

ROYAL COMMISSION

INTO THE CIRCUMSTANCES CONNECTED WITH THE

LANDING OF ARMS AT HOWTH

ON

JULY 26th, 1914.

MINUTES OF EVIDENCE, WITH APPENDICES AND INDEX.

Presented to both Houses of Parliament by Command of His Majesty.



LONDON.

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ROYAL COMMISSION

INTO THE CIRCUMSTANCES CONNECTED WITH

GUN-RUNNING at HOWTH, on JULY, 26th, 1914.

FIRST DAY.

The members of the Commission held an informal sitting at Mr. Justice Ross's Court, Four Courts, on August 6th, 1914.

The Commissioners—Lord BRAW, Chairman, Right Hon. W. C. ANDREWS, and Mr. Justice MONAGHAN—having taken their seats, the Chairman said:—

My Lords and Gentlemen, this is not a formal meeting of the Royal Commission, but it has been considered expedient by my fellow-Commissioners and myself that we should indicate informally to-day, so that the public may be informed of the scope of our proceedings, what is the exact ambit of the Commission with which we have been entrusted by His Majesty. It is to inquire and report upon the events connected with and ensuing upon the recent landing of arms at Howth, including the circumstances in which military were requisitioned to assist the civil power in the City of Dublin, and the origin and character of the disturbances which occurred. The Commission will meet formally to-morrow morning at 10.30 in this Court, and will be formally read, the Secretary being present. The proceedings will be written in shorthand and in print by the evening of report. The Commissioners will be glad to have the assistance of Counsel for any parties who think they have a bona fide and the right of appearing before this tribunal, and it might be for the convenience of the parties that we should now intimate that we think the Corporation of Dublin essentially represent, not merely the Corporation, but the general public interests, and should be represented. If military officers, or military command as such, desire to be represented by Counsel, the Commission will be glad it should be so. With regard to any officials connected with the Executive Government, they will consider the attitude to be adopted. If Counsel attends, for instance, for a gentleman named Mr. Harrel, who was named in connection with the matter, the Commissioners will be glad of his assistance also. If any other interests than those I have named think they should be separately represented, and that it is made clear to the Commission that separate representation is required, as their interests do not represent the portion of the case already covered by Counsel in other interests, the Commissioners will consider that. With regard to the mode of the inquiry, the Commissioners desire to guide either parties to the best of their power. They think the concise order of the inquiry should be in chronological form, and upon that we should be glad to know whether Counsel for any of the parties are now represented although this gathering is informal. Is there anyone representing the Corporation?

Mr. Sergeant Sullivan.—I am instructed by the Law Agent to the Corporation, with Mr. White.

Mr. Bradley, Solicitor.—I appear for the military authorities and it is my intention to instruct Mr. Hanna and Mr. Atkinson.

The CHAIRMAN.—Would your instructions be covered in a specific case such as that of an official unconnected with the military.

Mr. Bradley.—No, sir.

Mr. Henry, K.C.—I appear for Mr. Harrel.

Mr. Patrick Lynch, K.C.—I appear for the Executive Committee of the Irish National Volunteers. They may possibly be interested in the inquiry.

Mr. McElligott, K.C.—I appear with Mr. Downes on behalf of the next-of-kin of the people who lost their lives.

The CHAIRMAN.—I desire that there should be no repetition of evidence already given.

Mr. McElligott, K.C.—I am in a position to produce evidence which would be very different and place it before the Commission.

The CHAIRMAN.—Then you will watch the case.

Mr. Joseph O'Connor, B.L.—I appear for a number of people who were wounded on the occasion and who are still in hospital. I am instructed the evidence will be fresh evidence not dealt with at the other inquiry.

The CHAIRMAN.—At present I conclude with these proceedings by expressing the hope that despatch and thoroughness will be characteristics in this inquiry. I am sure the gentlemen of the Bar will understand the distinction I have laid down between a short, clear narrative and argument. We hope the observations will start by some observations on the part of the Corporation.

Mr. Bradley.—A number of my witnesses are members of the King's Own Scottish Borderers, and they are in a position, owing to the present crisis, that they may receive orders at any moment to leave Dublin, so it would be necessary that any evidence required from any members of the regiment should be taken as soon as possible.

The Right Hon. W. C. ANDREWS.—An application should be made.

The CHAIRMAN.—May I suggest you should communicate with Mr. Sullivan as to the matter and the chronology would assist you then.

The Commission then adjourned to the following morning at 10.30 o'clock.

ROYAL COMMISSION

INTO THE CIRCUMSTANCES CONNECTED WITH

GUN-RUNNING AT HOWTH, ON JULY 26TH, 1914.

FIRST PUBLIC SITTING.—FRIDAY, 7TH AUGUST, 1914.

Present:—The Right Hon. Lord SHAW (Chairman); the Right Hon. Mr. Justice MOLONY; and the Right Hon. W. D. ANDREWS.

The Counsel engaged are:—

For the Corporation—SERGEANT SULLIVAN and Mr. P. O'G. WHITE (instructed by Mr. RICE, Law Agent).

For the Military Authorities—MR. HANNA, K.C.; MR. ATKINSON, K.C. (instructed by Messrs. BRADLEY & SONS).

For Mr. HARKER, Assistant Commissioner of Police—MR. DENIS HENRY, K.C. and Mr. WYLLIE, K.C. (instructed by Messrs. CASEY, CLAY & COLLINS).

For the Executive Committee of the Irish National Volunteers—MR. LYNCH, K.C. and Mr. O'S. POWER (instructed by Mr. MICHAEL DAWSON).

For the next-of-kin of the three persons killed in Bachelor's Walk (Mrs. Mary Duffy, aged 50; Patrick Quinn, aged 46; and James Brennan, aged 18)—MR. E. J. McELIGOTT, K.C., and Mr. J. T. DONOVAN (instructed by Mr. JOHN McDOWELL).

For persons wounded in Bachelor's Walk—MR. JOSEPH O'CONNOR (instructed by Messrs. W. SMITH and SONS).

For the Crown—THE SOLICITOR-GENERAL and Mr. REARDEN (instructed by SIR MALACHI KELLY).

The Secretary read the King's Commission, which was as follows:—

GEORGE R.I.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the seas, King, Defender of the Faith, to

Our right trusty and well-beloved Counsellors:—Thomas, Baron Shaw, one of Our Lords of Appeal in Ordinary;

Thomas Francis Molony, one of the Judges of the King's Bench Division of Our High Court of Justice in Ireland; and

William Drennan Andrews, late one of the Judges of the said High Court of Justice in Ireland: Greeting!

Whereas we have deemed it expedient that a Commission should forthwith issue to enquire into and report upon the events connected with and ensuing upon the recent landing of arms at Howth, including the circumstances in which the Military were requisitioned to assist the civil power in the City of Dublin, and the origin and character of the disturbances which occurred:

Now, know ye, that We, reposing great trust and confidence in your knowledge and ability, have authorised and appointed, and do by these Presents, authorise and appoint you, the said Thomas, Baron Shaw (Chairman); Thomas Francis Molony, and William Drennan Andrews, to be our Commissioners for the purposes of the said Inquiry.

And for the better effecting the purposes of this Our Commission, we do by these Presents give and grant unto you full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; and also to call for, have access to, and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to acquire of and concerning the premises by all other lawful ways and means whatsoever:

And we do by these Presents will and ordain

that this Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, may from time to time proceed in the execution thereof, and of every matter and thing therein contained although the same be not continued from time to time by adjournment:

And we do further ordain that you have liberty to report your proceedings under this Our Commission from time to time if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us, under your hands and seals, your opinion upon the matters herein submitted for your consideration.

Given at Our Court at Saint James, the fifth day of August, one thousand nine hundred and fourteen, in the fifth year of Our reign.

By His Majesty's Command.

R. McKENNA.

The Solicitor-General.—I appear with Mr. Rearden by direction of the Attorney-General to watch the proceedings and give your lordships any assistance I can.

Sergeant Sullivan.—May it please your lordships, I propose to give you in short chronology, as far as I have been able to ascertain them, the events of Sunday, July 26th, into which this Commission has been appointed to enquire. At about 12.30 in the afternoon of that day, or between that hour and 1 o'clock, there arrived at Howth, at a distance of about eight and a-half miles from this City, a yacht that was met on her arrival by a number of persons, numbering from a thousand to twelve hundred, belonging to an organisation known as the Irish National Volunteers, or the Irish Volunteers. The yacht carried a cargo of rifles and some ammunition, and on her arrival at the pier head at Howth the Volunteers by their numbers took possession of the landing-place and the immediate neighbourhood, and they, by their numbers, prevented the access to the immediate neighbourhood of the yacht of any person not connected with the organisation and not engaged on the mission for which they had set out, which was, of course, to obtain the rifles which were being conveyed

by the yacht to their organisation. No disturbance of any kind took place at Houth, and whatever may have been the legality or the illegality of the proceedings—a matter on which I take it you don't require me to express an opinion—at all events there was no disturbance of the peace in the shape of conflict, riot or disorder or injury to any person or thing. However legal or illegal the action was, it was carried out with great despatch and a display of accurate organisation and efficiency in the doing of the work they had set out to do; and by one o'clock the yacht had discharged her cargo, the Volunteers had secured their rifles, or the bulk of them—I believe some of the rifles went elsewhere. But a body that has been estimated to be about eight hundred Volunteers, carrying their rifles, and followed by some small waggon containing ammunition for the rifles, set out on the march to Dublin, and they proceeded, as I am instructed, in an orderly and well-controlled manner, as the road to Dublin, which was, as I have already stated, a march of about 8½ miles. They were met at a place called Kiltarnack by a number of the Dublin Metropolitan Police who had been sent out on a sloop to intercept them. The police were but a small number. My friends will be able to give me the exact number of police that met the Volunteers at Kiltarnack, but it was a small number. They fell in with the marching Volunteers, and accompanied them on the road from Kiltarnack towards Dublin. The Volunteers halted at Raheny, and rested for a while.

THE CHAIRMAN.—How far is Raheny from Houth?

Sergeant Sullivan.—It is about five miles from Houth and about three-and-a-half or four from Dublin. I should be pleased to furnish your lordship with a map of the district, but I take it that a map of the distance to Houth would not be of very much assistance.

THE CHAIRMAN.—Any map that you can agree upon you can hand in to the Court.

Sergeant Sullivan.—The next event took place near Dublin, at about a quarter to two o'clock. Mr. Harrel, the Assistant Commissioner of the D.M.P., received a message giving him some particulars, at all events, of the landing of the arms at Houth, and of the fact that a number of Volunteers with these rifles were marching towards Dublin. At two o'clock Mr. Harrel telephoned to the Under Secretary, Sir James Doughty, acquainting him with the information he had received; and, as I understood, Sir James Doughty replied, intimating that he would attend at the Castle, apparently expecting that he would there meet Mr. Harrel. Sir James Doughty was at that time in his residence in the Phoenix Park, two and a half or three miles away from the Castle. The Under Secretary's Lodge is near the Footscath Lodge in the Phoenix Park. The next event is that at 2.30 p.m. the Assistant Commissioner, Mr. Harrel, by appointment met General Oultbert at the Kidslane Street Club, in the city, and having gone to meet General Oultbert, when Sir James Doughty arrived at the Castle, at 2.45, to confer with Mr. Harrel, Mr. Harrel was not at the Castle; and at it is regrettable that Sir James Doughty, with the message he afterwards recorded, was unable to communicate with the Assistant Commissioner of Police. Between 2.50 and 3.30 there is a complete blank, that I am unable to fill from any source of information. We know that Sir James Doughty arrived at the Castle about 2.45. That was an episode that resulted in nothing, because he was unable to see the Assistant Commissioner. The next episode is at 3.30, when, at the Royal Barracks, situated on the quay, a little to the west of where we are now assembled, there was received at 3.30 the following message:—

"To Captain Cobden from Senders No. 16.—Rifles been brought in from Houth. Proceed to where Raheny and Dollymount join on south-east of Clontarf Station, to assist police, using force if necessary.—FROM G.A."

G.A. means "Garrison Adjutant."

THE CHAIRMAN.—What is his name?

Mr. MORSE, E.C.—They say it may be Holdings. Captain Cobden didn't know who was acting Garrison Adjutant that day.

Sergeant Sullivan.—The message may be read as

one from the General Commanding—that is General Oultbert.

(Here *Sergeant Sullivan handed in a map.*)

He continued.—The point alluded to is not to the South-East of Clontarf Station, but to the South-West of it; you can see the line of the Great Northern Railway running across what was called the Clontarf shale, now being filled in. At the end there are two main roads turning up to the left-hand side of the Great Northern Railway—one the main road to Malahide, the other the main road to Houth; and there is a cross road some little distance up, which is of importance where we come to the events that happened. At the end of that road is Clontarf Crescent. In obedience to the message I have given you, at 3.35, one hundred men of the King's Own Scottish Borderers, under the command of Captain Cobden, left the Royal Barracks, equipped with rifles, bayonets, and one hundred rounds of ball cartridge per man, and they set out for the point indicated, namely, the junction of the Malahide Road and the seaward at Clontarf. Before they arrived, at four o'clock, a body of the Dublin Metropolitan Police arrived at the foot of the Houth Road, and, as I am instructed, were joined there by Mr. Harrel, who, I think, was in a motor car. About the same hour, or a little after, a second body of the Scottish Borderers—about sixty men—with bayonets fixed on their rifles, and with one hundred rounds of ammunition, in command of Major Coke, arrived. I am told the hour (4 o'clock) which I have given is wrong, and that they did not depart from barracks till 4.45. The whole episode at Clontarf was over before that. The next event would be about 4.15 p.m. Capt. Cobden's Company arrived at the appointed place at the foot of the Houth Road, and as they arrived a body of armed Volunteers arrived also at the top of the slope leading down to the foot of the Houth Road. There is considerable controversy as to what actually took place at that period. The Volunteers seeing the road barred by the police and military, who formed immediately across the Houth Road, closing it, turned down one of those cross roads leading into Malahide Road, which runs parallel, and to the west of Houth Road at that point. There is a cross road there called Charlemont Road, and the Volunteers wheeled and went down Charlemont Road, which led them into Malahide Road, a little closer to Dublin. The police and the military blocked the Malahide Road by passing through Clontarf Crescent, and they left, as I am instructed, some of their number guarding the Houth Road, while the main body went across to the Malahide Road. When the body of the Volunteers arrived at the bottom of the Malahide Road they were halted, and a parley took place. The leaders of the Volunteers held a parley with the Assistant Commissioner, who demanded that they should give up their rifles, and certainly very few people will be surprised to learn that they refused to do so. They were threatened then with force, and allusion is alleged to have been made to the fact that the military were there with ball cartridge.

THE CHAIRMAN.—Who mentioned that?

Sergeant Sullivan.—Mr. Harrel. This is an allegation that we have not heard hitherto in Mr. Harrel's account of the transaction, and I state it with all reserve. There is also testimony that other members of the military force indicated a readiness to fire on the crowd at that point. And at a period of time which I am unable accurately to place, during that episode, Captain Cobden ordered his men to load their rifles.

THE CHAIRMAN.—At what time did Captain Cobden arrive?

Sergeant Sullivan.—About 4.35.

Did the military join the force of police?

Sergeant Sullivan.—They arranged themselves behind the force of police. They joined the force of police in the sense that they arrived at the same spot for a similar purpose. It is difficult to say that they joined the force of police because they were not under common command.

THE CHAIRMAN.—Was Captain Cobden in the hearing of Mr. Harrel when the conversation which you allege occurred took place?

Sergeant Sullivan.—That I cannot answer. There is some allegation, which I am unable to prove by

way of testimony at present, that Captain Colden himself took part in the conversation with Mr. Harrel, but I cannot tell you at present.

THE CHAIRMAN.—Did Captain Colden give an order?

Sergeant Sullivan.—He gave an order to his men to load; and accordingly at that point the rifles of one hundred of the King's Own Scottish Borderers were loaded. And when we came to a later period you will find that they were never unloaded until they reached the barracks at a much later hour in the evening; and still more regrettable, the senior officer who subsequently took command over the hundred men, marched them through the city with loaded rifles. The Volunteers having refused to give up their rifles at Mr. Harrel's summons, there was a scuffle of some kind at the bottom of the Malahide Road, first between the police and the Volunteers in a somewhat futile endeavour of a handful of police to disperse eight hundred men, and eventually the military, or part of them, engaged in the scuffle, and some bayonet wounds were inflicted on the Volunteers, so the order to fix bayonets must have been given prior to that event, because some Volunteers were wounded with the fixed bayonets of the military. Two revolver shots were fired, as I am instructed, not by the Volunteers, but from a group of bystanders behind, who I am unable to identify. I need not here say that these misadventures on a Sunday in that neighbourhood attracted a large number of people, because Dollymount and Clontarf are favourite resorts of the people on Sunday. And there was a large crowd behind the soldiers. From this group two revolver shots were fired, and two of His Majesty's soldiers were injured thereby. The net result of that scuffle—for it could hardly be described as anything else—was that nineteen rifles, out of the eight hundred, were taken from the Volunteers. Their leaders were again in parley with the Assistant Commissioner, and while they were debating with him the propriety or the impropriety of the proceedings, the rear ranks of the Volunteers dispersed and disappeared, and the result was that when Mr. Harrel closed the negotiations he found that the body of the Volunteers had completely disappeared from the neighbourhood along with their rifles, leaving behind them the two front ranks of unarmed men facing the police and the military. The whole matter was over by 4.30 o'clock. These events took place even more rapidly than they are described, and by 4.30 that episode at Clontarf was ended. I may be a minute or two wrong, and if I am I shall be glad to be corrected. At 4.35, I would gather, the episode was over. Captain Colden, we know now, telephoned to the Royal Barracks for Major Cole, and shortly after 4.35—we cannot fix by minutes a matter of this kind—the Dublin police were marched off, and also the force of Royal Irish Constabulary that had been brought down from the Depot in the Phoenix Park, armed with carbines. The time they departed and arrived I don't know; but they also disappeared from the scene.

THE CHAIRMAN.—What was their number?

Sergeant Sullivan.—I think fifty or sixty of the Constabulary.

Mr. McElligott, E.C.—Eighty-three, I am told.

THE CHAIRMAN.—What time did they join the assembly?

Sergeant Sullivan.—I have inquired and so far I have been unable to get an answer. But the officer will be here later on. No on-looker seemed to have noticed their arrival.

THE CHAIRMAN.—The point of your narrative is that at a quarter to five the Metropolitan Police were marched off, and also a posse of Constabulary who had joined some time before marched off the scene.

Sergeant Sullivan.—I had better say nothing about the Constabulary for the present.

THE CHAIRMAN.—You say the Volunteers had gone, the Metropolitan Police had gone, and so far as you know no Constabulary were left on the scene, but the military were left.

Sergeant Sullivan.—The military party were alone left there, and they were left there until a much later hour; but your lordship will appreciate that there was gathered around the military party, after the events that I have mentioned, a very considerable

crowd of the populace. Again I am subject to correction, but I am instructed that the military remained after the police, and that the police were marched off at the close of the scuffle. There may be controversy about that. But at all events the soldiers—Captain Colden's detachment—were left at Fairview for a considerable time after the scuffle. Now, the next thing we know is that at 4.45, in obedience to a telephone communication from Captain Colden, Major Cole's Company set out from the Royal Barracks. At that time the scuffle was over, and was not renewed, and about 5.30—a few minutes earlier or later—the military detachment at Fairview that had been posted by Major Cole's additional sixty men, and which was now under the command of Major Cole, commenced their return march to barracks. Your lordship will see that they were practically one hour at the bottom of the Malahide Road with a crowd around them before the march back to barracks commenced. I very much regret to state that the news of the happenings, both at Howth and the Clontarf road, reached Dublin in a distorted form, and that there was great excitement in the streets about it. The march back to barracks was along the North Strand and Ardena Street. When the military reached Ardena Street station there was a good deal of disturbance along that route. On the march so far as Ardena Street station they were followed by a considerable crowd jeering, booing and scoffing at them. I have no doubt that some missiles were thrown at them. There was a number of charges with bayonets made by the rear ranks of the company along that part of the route, and in or about that hour, between five and six o'clock, in Dublin, as I understand, a memorandum was received by the Under Secretary, Sir James Donaghue, in the following terms:—"The Assistant Commissioner. As regards the steps which you have taken on your own responsibility to deal with the arms landed at Howth this morning, His Excellency is advised that forthwith disarmament of the men now marching into Dublin with these arms should not in all the circumstances be attempted, but the names of the men carrying arms should, as far as possible, be taken and which should be kept to ascertain the destination of the arms illegally imported. His Excellency cannot authorize any further steps in the matter at present." That is intimated "J.H.D.," and is dated "25th July." Sunday was the 26th. At Ardena Street station, as I am instructed, the soldiers halted for a while and then resumed their march by a most unfortunate route. As far as Ardena Street station they had at least come down a broad highway, but at Ardena Street station they elected to go towards the barracks by Talbot Street and East Street, probably the narrowest thoroughfares in Dublin, and through the most undesirable locality in the City.

THE CHAIRMAN.—What hour was that?

Sergeant Sullivan.—The march was resumed from Ardena Street after a short halt. I think a little after six o'clock, probably about ten minutes or a quarter past six. The route available for them from that point onwards, through broad and unobstructed thoroughfares would have been down past the Great Northern Station into the Customs House Square, Beresford Place, and on through Abbey Street, all wide and unfrequented thoroughfares. But, in fact, they took their march through the most congested thoroughfare in the city, and the most undesirable locality that debouches upon it. Major Haig, the senior major of the regiment, had left the barracks for the purpose of joining the detachment and taking over command, and he came in touch with his troops in Talbot Street a little after six o'clock; I cannot fix the exact hour. He had to go by Beresford Place along the broad line of march, and he found that the troops had gone down through Talbot Street; and when he struck into Talbot Street to find them he found himself cut off from the troops by a crowd at the back, and he was unable to overtake his command, and accordingly Major Haig travelled in the wake of his troops until they emerged at Nelson's Pillar into O'Connell Street, which is, I believe, the broadest thoroughfare in Europe. There Major Haig took command of the troops in O'Connell Street. Its official name is Sackville Street. Major Haig assumed command of the whole body of troops, numbering 138 men, in O'Connell Street, and the troops marched into Bachelors' Walk, which is the commencement of the line of quays at O'Connell

Bridge, the commencement of the line of quays on which this building stands. Unquestionably a very large crowd had followed the troops to that point, and they were subjected unquestionably to a great deal of insult and annoyance. Bachelor's Walk is the terminus of the powerful service of trams to and from the Phoenix Park, on a Sunday, and at this hour, now about 6.30, when the troops arrived at Bachelor's Walk—Bachelor's Walk was a place where a great number of the principal services of trams to and from the Park, in which a great number spend the Sunday, and being a tram terminus, the congestion there is to a large extent, held off the surrounding crowd, and a good part of the surrounding crowd seems to have dropped off at the entrance to Bachelor's Walk. We now come to the area of considerable conflict of testimony. The troops came down Bachelor's Walk, the side-walks of which were covered with people returning from the Park, and there followed the troops in the street a body of persons whose composition is in controversy, and their conduct is to a large extent in controversy, and the size of this body is also a matter on which very different estimates have been given. Some estimates place it at 1,000 persons, which was the estimate made by one of the officers of the troops, and on the other hand, there are estimates of from a couple of dozen to fifty made by a civilian who happened to be present, I think Alderman Byrne. But, at all events, down Bachelor's Walk the troops came. Their passage through the narrow thoroughfares of Talbot Street and Earl Street was unquestionably a very unpleasant performance, both from the roadways and the temper of the crowd, which was greatly excited by wild rumors of attacks and bloodshed in connection with the Volunteers at Clontarf. But unquestionably, and it is not in controversy, that whatever be the size of the crowd that followed the military down Bachelor's Walk, it was not in contact with the military. It followed them down at an interval of about from 30 to 35 or 40 yards. The crowd was certainly indulging in a good deal of insult and peering at the soldiers, and some stones were certainly thrown, and a great number of missiles not stones, and some of them were thrown more or less for the sake of insult or mischief, and not for damage, by the crowd at the soldiers as they retreated down Bachelor's Walk. At Liffey Street the character of Bachelor's Walk changes, and there is a particular house at the end kept by a person named Kautcher.—

THE CHAIRMAN.—How far is it from Talbot Street to Southville Street?

Sergeant Sullivan.—I don't know where Talbot Street ends and Earl Street begins. Immediately adjoining Southville Street is Earl Street. Talbot Street, I am informed, ends at Marlborough Street. Kautcher's house is at the western corner of Liffey Street and Bachelor's Walk, and it juts out considerably from the line of buildings in Bachelor's Walk. In fact the line of buildings in Bachelor's Walk is very irregular, and Kautcher's house culminates the irregularity by jutting out and narrowing the road very considerably at that point. The road is wider at the eastern side of Liffey Street than at the western side. The tram line barely clears the electric standard at the western corner of Liffey Street. Opposite Kautcher's door, and immediately placed as it is not directly opposite the thoroughfare it is supposed to serve, is the Metal Bridge—a metal toll bridge that crosses the Liffey for foot passengers only. At that point, there being some crowd in Liffey Street and the troops being, as Major Haig has stated, in a very considerable state of annoyance and excitement from the treatment which I very much regret to say they certainly did receive all down the route. Major Haig gave instruction that a body of 30 or 32 men—it must have been 32, which would be eight files of four, should wheel as a regiment and be drawn up across the street at that very narrow space just at the nearest side to the Metal Bridge, and he turned and faced the crowd at that point. What happened then is again a matter of conflict of testimony, in some particulars irreconcilable. Major Haig states that he asked five or six individual soldiers whom he tipped on the shoulder, and to whom he spoke individually, whether their rifles were loaded. He had not been informed either by Captain Cobden, who had named 100 of these rifles to be loaded, or by Major Coke,

from whom he took over command, who perhaps did not know himself, but at all events Major Haig was unaware that 100 rifles of his company were in fact loaded. Major Coke's men never loaded. They reached out so late that they pined the other body after the disturbance was over, as you see from the chronology I have given. They were never under order to load, and their rifles were not loaded. Major Haig's description is that he intervened individually five or six men of those he had drawn up across the road, and asked them if they were loaded, he not having been informed of the loading at Clontarf. Behind the 32 men there were four officers—Captain Cobden, Lieutenant Myles, Lieutenant Hammond, and Lieutenant Harvey. Major Haig himself, having learned that the men he spoke to had rifles loaded, told them, and each of them—I am giving his own account—to get ready to fire upon his giving the order to them. It did not occur to him that any other troops were in a position to fire. Major Haig states that he then advanced towards the crowd.—

Mr. ANNEWS.—Will you say how the men were fired?

Sergeant Sullivan.—Towards O'Connell Bridge; I thought I had stated that. He wheeled the re-guard of 32 men, and ranged them up across the road facing towards O'Connell Bridge, facing the crowd, facing to the east. Major Haig stepped to the level of the muzzle of the rifles at one side, and, according to him, stepped forward for the purpose of addressing the crowd. He states that prior to that—and about this episode there is a direct conflict of testimony—has prior to that a civilian at the corner of Liffey Street had come in personal contact with a member of the troop, who had been knocked down and maltreated at the corner of Liffey Street and had been rescued from the crowd by the intervention of Captain Cobden. On the other hand a number of civilians will testify that it was after the firing that there was, in fact, personal contact between civilians and military at that very spot, while one member of the civilian community, an alderman of the city, was lifting up from the ground one of the victims of the volley. But, at all events, whatever be the rights or wrongs of that, Major Haig stepped forward, according to himself, to address the crowd, and lifted his hand as a signal to the crowd to obtain silence and peace in order that he might address them in order to threaten them—that if they did not cease molesting his troops he would give the order to fire.

Mr. ANNEWS.—That is his statement?

Sergeant Sullivan.—It is his account of his intention—that he stepped forward for that purpose. He did not, in fact, address the crowd, nor have an opportunity of doing so, according to himself, because as soon as he lifted his hand, and before he could shoot at the crowd or address them at all, he states that a single shot rang out on the right of his firing line, that is, the river side of the re-guard; and that was instantly followed by what a civilian would describe as a volley; that he gave the order to cease fire, and as he was doing so he heard behind an officer's whistle blown—a long blast of a whistle, being an order to cease fire. Now that account, he states, and I think there is no doubt, that Major Haig himself did not give any order to his troops to fire.

Mr. ANNEWS.—Will you state what your instructions are as to what occurred at the time the first shot rang out?

Sergeant Sullivan.—I will try to deal with it.

Mr. ANNEWS.—What you are instructed as to what actually occurred when that first shot rang out?

Sergeant Sullivan.—I will give you the alternative stories. I am only dealing now with the account given by Major Haig. I will then give the full account of other persons in the military party, and I will then give the account of civilians who were present. It is impossible to reconcile them. There are conflicts of testimony on which you will have to exercise your judgment. I am only laying them all before you. Major Haig called to have the firing cease, and an officer, I think Lieutenant Myles, blew his whistle, which is a signal to cease fire, and it did cease. When the firing ceased nothing was said to the men. No reprisals, unquestionably, was addressed to the men there and then; but the necessary orders were given, and these 32 men found four with their five officers,

and marched back to barracks, the route to the barracks being clear at all times and unobstructed. There is no controversy about the fact that the route to the barracks was always unobstructed. The account of Major Haig differs in some particulars from the account of some members of the rank and file.

THE CHAIRMAN.—Were the men formed in such a way as to obstruct the passage of civilians along Bachelor's Walk?

Sergeant Sullivan.—Yes.

THE CHAIRMAN.—I also gather that the remaining portion of Bachelor's Walk to the west of the route was so clear of traffic that the other portion of the pass was able to continue its march to the barracks?

Sergeant Sullivan.—That is common case. The remaining portion of the march received no obstruction until they reached the barracks. The road to the barracks was open and unobstructed.

THE CHAIRMAN.—Is it a correct part of the case that the crowd was in the inner arch as you have described, or was a crowd following the soldiers on their march?

Sergeant Sullivan.—Following in the main, with one small body of persons alleged to have come in at Liffey Street on the Bank for the moment, but once Liffey Street was passed the whole crowd was a following crowd; the whole body of distributors lay between the troops and O'Connell Bridge.

THE CHAIRMAN.—You give Major Haig's account of the events now you are proceeding to another?

Sergeant Sullivan.—To the account given by members of the rank and file. I am told that it is not common case that the road to the barracks was open.

Mr. HANNA, K.C.—It is not. Major Haig sent Major Cole to protect and halt at the next side street. They were anticipating—

Sergeant Sullivan.—He sent Major Cole on for fear any crowd should come down the next side street, but the direct road was clear and there was no other crowd to oppose.

THE CHAIRMAN.—You now proceed to the account of somebody else?

Sergeant Sullivan.—Members of the rank and file who fired.

THE CHAIRMAN.—The soldiers themselves?

Sergeant Sullivan.—The soldiers themselves. Most of the soldiers agree that one shot was fired at the extreme right of the line before any order was heard.

THE CHAIRMAN.—At the Liffey side?

Sergeant Sullivan.—At the Liffey side. Most of the soldiers agree with Major Haig in that one member of the firing party is explicit that before even that single shot was fired from behind him there had come an order to fire. That is a version given of the order to fire coming from the right rear, namely, the Liffey side. Another member of the firing party, while agreeing that the first shot preceded any order, testifies that the order to fire before the volley rang out came from the left rear. These are the statements relative to the express orders to fire as by word of command, and obeyed as such. Two other members of the firing party speak of an order to fire passing down the ranks, and one explains that as meaning passing by word of mouth from private to private in the firing line. Every member of the firing party dares firing without having received an order to fire, or having heard his neighbour firing, and assuming that it was firing by order. All were, unfortunately, ready to fire, except one man who had to load, who was not ready, and, in fact, had to load. Now the civilian account of the transaction differs substantially. The civilian witnesses state that when the rear-guard wheeled and turned about it was drawn up, not in one line, but in two, and that the line nearest the crowd, the front rank in the direction in which they were facing, were down on one knee to allow the rear rank to fire over their heads. That is inconsistent with the idea that only five or six men were going to fire individual shots. They state that the crowd was some distance away with the exception of a little group of persons at Kaitcher's corner, within two or three yards of the military, one of whom was shot. There is controversy as to the exact spot, and they say that the

crowd was not a hooters or disorderly crowd, but that it was a crowd through which, immediately preceding the firing, a handcart taxi-cab drove without difficulty, and it was by signal of one of the officers allowed to pass through the kneeling cordon and the standing cordon, the volley being fired just as the taxi-cab passed through. The taxi-cab is alleged to have been scratched or injured, and had not apparently come through any great hail of missiles of a dangerous character. And they state that being really in this position a regular volley was fired, and they do not seem to have noticed an isolated shot. They say the firing was in one volley, and that after it was fired that a civilian ran back to Mary Duffy, who was shot, it was alleged, by some of the military. It is stated that she was shot on the roadway and also that she was shot in the narrow space between the electric standard and the actual back corner of Kaitcher's shop, through which two people could hardly pass, within about three feet of the military line. Three yards certainly from the military line a woman was shot, and it is alleged it was while civilians were picking her up that there was a conflict between members of the military and civilians practically over her body at that point. The description of the civilians will be—regular preparation of a double rank of military to fire a volley, who fired a volley.

THE CHAIRMAN.—Do you state the number of casualties at this time?

Sergeant Sullivan.—I will. The result of the volley was that there were brought to Jervis Street Hospital, within a few hundred yards of the scene of the firing, two persons who were dead. They were Mary Duffy, the woman who was shot at Kaitcher's corner, as alleged by civilians, in the roadway opposite as alleged by military; and Patrick Quinn, a married man, with a family dependent on him. A third victim of the firing, James Bonnin, a boy, was admitted as grievously wounded that he died shortly afterwards. This boy Bonnin was shot through the centre of a bayonet wound; namely, there was on his body an ancient wound obviously caused by a bayonet, in the centre of which a bullet entered and killed him. There were wounded probably about from 40 to 45 persons, between foot and small, but there were seriously wounded about 32 persons. Then, continuing, I will give you a little later. There were a number of women. There was a very unpleasant proportion of young persons under the age of twenty years and some children; and the occupations of the persons injured varied greatly, but were in the majority of cases those of skilled mechanics or clerks. When the military arrived at barracks there was an account taken of the ammunition, and on that day there were 31 rounds of ammunition short; but it is right to say that one member of the force, a private named Baird, who was short four rounds of ammunition, was the man who was not loaded, and had to load on the ground; and he purported to account for two out of the four as having been dropped by him in the excitement; they did not go into his magazine when loading his rifle; he tried to put them back into the pouch but missed. He gave that explanation at the time, it was only fair to him to state, though an episode was referred to afterwards which raised some suspicion. Twenty-nine cartridges were certainly discharged, and they resulted in casualties in exceeding twenty-nine, and the range of persons injured varied from Mary Duffy, who was shot, you might say, at the muzzle of the rifle, to a person injured on O'Connell Bridge, a long distance away. A person who was passing on O'Connell Bridge was struck by a passing bullet there.

THE CHAIRMAN.—What distance is O'Connell Bridge?

Sergeant Sullivan.—I should say about 300 yards probably. Now, my lord, I have indicated that there will be a considerable divergence of testimony as to the exact happening at the time of the firing. From the men in the firing line there is a considerable body of testimony, and there is direct testimony of two members of the line who heard from the line of officers behind a direct general order to fire, that it was concerted action by a body of men, and not an unforeseen occurrence of one rifle going off, as it were, by itself. The man on the extreme right, alleged to be the delinquent in respect of firing the first round, on the contrary states that he certainly did not fire until firing was in progress, and firing, as he understood, under orders.

THE CHAIRMAN.—Have you any further observation with regard to the civilian account?

Sergeant Sullivan.—I have indicated that the description from the civilian account will be, that the scoundrel was wheeled, and the bear rank or rest, grand across the bridge went on one knee, obviously prepared to fire; the other rank stood up, without any warning a volley was fired—no dropping shot, but a volley. After the volley there was an irregular outbreak of shooting, but the first report was a number of shots in unison, and then probably dropping shots, and then after that there came a scuffle at Liffey Street corner between the military and civilians over the body of Mary Duffy, and the military were then marched away. That, in outline, is the civilian account, that at that time there was no dangerous disturbance of any kind, for they estimate the crowd as mostly young women and young men and boys and children, they estimate it at small numbers, and the driven of the landaulette states that he drove along without the smallest difficulty, and that there was a space he reckoned of about five times the length of his car between the little crowd and the military, and there were no persons in actual contact with the military, and no missiles struck the car.

THE CHAIRMAN.—Was any of the crowd armed?

Sergeant Sullivan.—Oh, certainly not; I am very happy to state there was no suggestion of this crowd having arms of any kind or other lethal weapons. As I have mentioned there were two revolvers shot, but in Bachelor's Walk there was no sign, and up to the present I have not heard it suggested.

Mr. Hanna, K.C.—One of the soldiers said he was knocked down by a man at the corner of Liffey Street striking him with a pole with a spike.

Sergeant Sullivan.—Striking him with a pole with a spike. But I understood by "armed" your lordship was inquiring whether there were weapons as the nature of knives, firearms, bayonets, or anything of the kind. There was an allegation that one of the crowd used a pole as the scuffle with the soldiers, but with regard to being armed, the answer is emphatically no, and I think we are all agreed on that I have to draw your attention to just out or two matters in addition, and then I would be glad to close. The number of soldiers who fired was twenty-two. That is the number who actually fired. Your lordship may also take it that in the crowd the Volunteers had disappeared from the scene completely at Panview, and there is no allegation of any attack being made by the Volunteers throughout.

Mr. Hanna, K.C.—That is so.

Sergeant Sullivan.—The observation that the police disappeared is only too true. For some reason or another the ordinary police force on this Sunday had disappeared, and all through this march to and at Bachelor's Walk of this little body of troops the ordinary custodians of the peace had in fact disappeared. There was not a single policeman at Bachelor's Walk. I have completed my outline, and now I suggest to my friends that we may now give evidence within the terms of the Reference as to the actual events at and after the landing of the arms at Howth. What happened will really not be a matter of controversy, and there may be no need for

going into details. Secondly as to the conduct of the armed Volunteers on the march from Howth towards Dublin, I would wish to establish the facts in evidence, and to show that up to the arrival in Clontarf the march was perfectly orderly and regular. There was absolutely no disturbance or rising, or anything of that nature. That evidence will be an outline of the facts, and not subject to controversy. I suggest to my friends that chronologically Mr. Havel should be examined, and that he should give an account of the object and intentions which actuated him. I am most anxious that some of His Majesty's troops should be kept back unnecessarily at this particular time, and, therefore, that the military men should give their version, and be set free from attendance, and then that civilian evidence should be given as to the two episodes at Clontarf and Bachelor's Walk.

THE CHAIRMAN.—Will that meet with the approval of the other gentlemen of the bar? The proposition laid down by Mr. Sullivan seems to be correct up to the point of what I call the Second Inquiry, dealing with the Bachelor's Walk incident. When that is reached it may be a question for the consideration of those advising the military whether their case should not be stated after. The two considerations against that are that the military naturally desire to be free for reasons of State and may wish to state their view primarily on the whole matter.

Mr. Hanna, K.C.—May I mention to your lordships that I appear, with Mr. Atkinson, for the military authorities. I have been instructed this morning that after to-morrow there will be great difficulty in getting any of the rank and file of the Scottish Borderers, because they are under orders to leave. The military will, I need scarcely say, facilitate this inquiry as much as possible, as much as they can. At present there is a second inquiry, a Court-martial, being held at the Barracks as to those particular transactions, and we would have some difficulty in getting down the witnesses we require if the evidence was taken in two sections. At present I do not know at what time my military witnesses would be required. If we could arrange to have them before to-morrow night it would facilitate us. Very full depositions were taken before the Coroner and might be received as evidence here.

THE CHAIRMAN.—I desire to say to the gentlemen of the bar that whilst the general consideration as to the engagements of the military must weigh with the Court and be respected, at the same time, the Commission being appointed by His Majesty, cannot defer to any other inquiry. An order has been made that a full copy be made of these sworn depositions, but the tribunal does not put pressure on any parties to import that evidence into this inquiry. Our duty is to take evidence, and not take it at second hand. We can only take it at second hand if all parties agree to that course.

Sergeant Sullivan.—The depositions deal only with the Bachelor's Walk incidents and nothing else, and in my opinion the admission of them would not relieve the matter much. They might be admitted *pro tanto*.

THE CHAIRMAN.—If you put in an agreement to tender to us a copy of the sworn depositions we may consider it, but in that matter there must be a complete agreement.

MR. HENRY BONASS, Solicitor, examined.

THE CHAIRMAN.—I ask the witness to give a full and complete statement.

1. By Mr. Philip Warré.—You are an Assistant Solicitor to the Corporation?—Yes.

2. Were you in Howth on Sunday, July 28th?—Yes.

3. You had nothing to do with any of the parties to these transactions?—No, absolutely nothing.

4. You were there as a visitor in the ordinary way?—Yes, on pleasure.

5. Whereabouts were you?—At the pier. I had my boat, and I saw a yacht coming in between 12 and 1 o'clock—probably half-past twelve.

6. The yacht you speak of came in at about half-past twelve o'clock?—Yes, I should say approxi-

mately about half-past twelve o'clock the yacht came to the pier—I think it is the east pier—and the people in it threw a line ashore, which was taken up by some of the men on the pier. She came in with a good deal of "way" on her in a strong breeze. They held her back to the pier by the line, and when she came alongside some people—apparently they were Irish Volunteers—came up from the town end, from Howth.

7. Could you form any opinion as to their numbers?—I should say, I suppose, anything from 800 to 1,500. I could not say accurately the number—but it would be about that. They came up rather quickly.

8. You say they came up quickly?—Yes, in fact they were running.

9. Were they orderly?—Oh, yes; there was no disturbance whatever. I was engaged trying to

fix the engine in my motor boat. I may say I had no idea at the time that arms were about being landed, or that any one proposed landing arms at Howth. I was engaged five minutes fixing the engine in my boat, and then I looked up and about five or ten minutes afterwards I saw rifles being landed down from the yacht.

10. The CHAIRMAN.—To the volunteers?—Yes. They were passed down from man to man, and that went on for some time. I think it right to say that when the volunteers formed up on the quay, one of their number came up to me and said he would have to detain my boat for the present.

County Inspector W. B. HEARD, R.I.C., *continued*.

14. By Mr. HEERY, K.C.—Are you the County Inspector for the County Dublin?—Yes.

15. Were you at Howth on Sunday, 26th July?—Yes; I was.

16. Was your attention directed to this matter of the landing of the arms?—Yes. The Sergeant came to my house a few minutes before one o'clock, and told me that a large body of men had marched to the pier, and that he heard they were going to land arms.

17. Did you go to the pier yourself?—Yes.

18. Tell their lordships what happened then?—I went to the entrance to the pier with the Sergeant. He had told me they marched to the East Pier. I went there and saw the Volunteers marching on to the pier in very large numbers. I saw four or five companies forming up to take possession of the entrance to the pier. There were four or five companies, counting roughly of sixty or seventy in each company. They formed up across the pier, preventing anyone entering. There were there then the Head Constable and several constables.

By the CHAIRMAN.

19. They were under you?—Yes. I went to the Head Constable and asked him if he had all the constables available, and he said yes, he had. I asked him if he had made any effort to get through, and he said he had just tried and that he had been stopped. He and Sergeant Dobaghat were prevented. He said they got through two or three companies and that meanwhile, I think, the command officer came up and informed them that he saw arms being landed at the point of the pier. I remained with the Head Constable and all the men available, eleven in number. I saw several of the Volunteer companies going to the pier head at the double. Some were at the pier head, and I saw the yacht opposite the pier head. I could not say what was being done, it is a considerable distance away, but I heard that arms were being landed. I saw some of the companies coming back with the arms and relieving the companies holding possession of the pier. This was done until all the arms were landed. It took a considerable time—from half an hour to three-quarters of an hour. I went immediately to the telephone office.

20. Mr. Justice MOULTON.—What hour was that?—That was about one o'clock or five minutes past. I believe it was about one o'clock when I got to the telephone. I tried to get on to the Castle, but the only place I could get was the "G" Division at Exchange Court. I informed whoever was there—I don't know who it was—that a large body of Volunteers were on the pier landing arms. I think I said the number was about six or seven hundred. I did not see the full number at the time, but as well as I can recall that is what I said. I directed him to inform the Inspector-General or the Deputy Inspector-General of Constabulary, and also to get into communication with the Customs in Dublin, as I tried to get into communication with them and failed.

21. The CHAIRMAN.—How many did you state were there?—About six or seven hundred, and that I was powerless to interfere, as I had but a very small number of men, and I asked him to at once communicate with the Assistant Commissioner of Police and with the Inspector-General or the Deputy Inspector-General of the Constabulary, and if possible to get into communication with the Customs, as I had

11. Whilst the operation was proceeding?—Yes. I should say, sir, that they were most polite. I waited on for some minutes, and got tired of waiting, and told the volunteers that my sympathies were entirely with them.

12. What you say is—without going into details—that you saw the landing of these rifles?—Yes.

13. By Mr. White.—When the rifles were landed did the Volunteers march away without any disorder?—Oh, yes; they were most orderly. I also saw what appeared to me to be two machine guns.

failed to do so. I think that was the telephone message I sent. I then went down again, and by this time a large crowd assembled and some of them were all formed up on the pier, having got possession of the arms. When all the companies had got the arms they had formed up on the pier, including the other companies who had blocked the entrance and prevented any people getting on. Meanwhile three motor cars, which had gone up previously, returned down the pier and were let out by the companies that had been blocking the entrance, and went away in the direction of Dublin. I do not know, but I believe, they contained arms, because each had a Volunteer alongside the driver and the Volunteer carried a rifle. Then they all formed up on the pier and marched and formed fours.

22. At what hour was that?—About 20 minutes to two, approximately. I did not take the time. The moment they were going away I sent a telephone message to the Metropolitan Police—it was the only place I could get on to. I said they were marching off, and on this occasion I think I stated there were about 1,500. There were fully 1,500 there, if not more. I believe there were 1,500. Before this I directed the head constable to get the bicycles down, as many bicycles on there were at the barrack; and I directed as many as had bicycles to get them. This was done. I then directed the head constable and the men to follow the Volunteers wherever they went. I directed them should any commotion break off through the County Dublin for a constable or two to follow the contingent. The reason I did this was because I knew there were some contingents from Slieve and other parts of the county in the body. In all there were about 250 belonging to the County Dublin among the Volunteers that were marching. The rest of them all came from the city. I may state, but I did not know then, that they had assembled at Raheny in the morning.

23. What number did you telephone?—I said that 1,500 were marching in the direction of Dublin having obtained arms.

24. Mr. HEERY.—You and you were powerless to interfere with them?—Yes.

25. Had you instructions to interfere with them there and then in landing arms?—We had the general instructions issued to the Force.

26. What were they?—I have not got them here; but I could get you a summary of them.

27. Mr. Justice MOULTON.—Have you any of them here?—I have.

28. The CHAIRMAN.—We should like to have the orders?—I will get them.

Mr. HEERY, K.C.—You could get a copy in the Constabulary Office.

The WITNESS.—I take it your lordship directs me to get it.

The CHAIRMAN.—Mr. Solicitor-General can you assist us in this matter.

The Solicitor-General.—I can procure a copy, and there is no objection to its being made, except for reasons of State it might not be advisable to disclose its contents to the public. Your lordship's can see it, of course.

WITNESS.—I would communicate it verbally.

The CHAIRMAN.—I think we are all unanimous that this document, apart from questions of State, should be produced. It will do to hand it in.

The *Solicitor-General*.—I will have it sent for.

The *Chairman*.—We quite understand your position. It is the ruling of the Commission that the actual document be handed in, and marked to the Secretary of the Commission, and we shall keep in view the public interests as well as our own duty.

The *Solicitor-General*.—I shall have one sent for to the Castle immediately.

29. The *Chairman*.—Would you tell me what is the scope of your jurisdiction, County Inspector?—I am County Inspector of the Royal Irish Constabulary in County Dublin. My jurisdiction on this road ends at Donnybrook Bridge.

30. Whose jurisdiction were the Volunteers in when they were stopped?—In the jurisdiction of the Dublin Metropolitan Police.

Head Constable THOMAS WALTON, Howth.

34. Mr. Wylie.—You were on duty at Howth on this Sunday?—I was.

35. Did you see Volunteers come on to the pier?—No, when I arrived they had assembled.

36. Was there a cordon drawn across such as the County Inspector has described?—Yes, four companies.

37. Did you attempt to pass through?—Yes, I passed through three companies without opposition. When I came to the fourth company I was resisted. The members of the company where I tried to get through closed up against me. I said can I not get through. They made no reply, and an officer in front told them to close up. They closed up and prevented me going through. I was accompanied by Sergeant Donovan. They kept up against me and resisted me, and I made no further efforts to get through.

38. Were the Volunteers armed at that time?—No.

Sergeant Sullivan.—Under the jurisdiction of Sir John Ross of Bladenburg.

Witness.—I am responsible for the Constabulary instructions of the County Dublin, and I give instructions to the District Inspectors. My instructions were that if District Inspectors got information as to the landing of arms to inform me by wire, and they were at once to communicate with the Customs officers and with the coastguards, and to assist and protect them as far as they could.

31. The *Chairman*.—In your instructions did you specify arms and ammunition as within the scope of their duty?—Yes, I did.

32. Was that in accordance with general orders you received?—It was.

33. Did these general orders contain the instructions which you are to furnish to the Commissioner?—They did.

39. Had they any weapons?—About every fifth man carried a weapon—a kind of club or baton.

40. Mr. Justice Moore.—What kind of weapon was it?—It was made of plain wood. It was unpainted and about 2 feet 6 inches long.

41. Mr. Wylie.—Did you afterwards get a bicycle?—Yes, and I went to Raheny.

42. And when the Volunteers were marching, did they carry the arms they got on the pier?—Yes; and they walked in military order.

Sergeant Sullivan.—That is a common case.

43. The *Chairman*.—About the following on bicycles. Was the object to see where the rifles were put?—Yes; and to see what was being done.

44. And that apparently quite sensible order you tried to comply with in a sensible way?—We did our best, my lord.

Mr. WILLIAM VIOLET HARRIS.

45. Mr. Henry, K.C.—Did you enter the Royal Irish Constabulary as District Inspector in 1886?—Yes.

46. Did you serve as District Inspector in the counties of Leitrim, Louth and some other counties?—Yes.

47. Were you also attached to the Criminal Investigation Department under Sir Owen Stack, Divisional Commissioner?—Yes, I was, for three or four years.

48. And were you Secretary for a time to the Inspector-General of the Constabulary, Sir Andrew Reed, and also in the position of Inspector of Prisons?—Yes.

49. When were you appointed Assistant Commissioner, Dublin Metropolitan Police?—In 1902—January, 1902.

50. Was Sir John Ross then Commissioner?—Yes.

51. And you have since then acted in that capacity?—Yes. There were formerly two Commissioners, and then a change was made to a Commissioner and Assistant Commissioner.

52. The *Chairman*.—By whom is the position of Chief Commissioner held?—By Sir John Ross of Bladenburg.

53. Mr. Henry, K.C.—His office is at Dublin Castle?—Yes.

54. Do you reside yourself at Monkstown?—Yes.

55. How far is that from Dublin?—About five miles.

56. And on Sunday, 24th July, were you in your house at Monkstown?—Yes.

57. Did you get a telephone message from Chief Superintendent Dunne from the Castle?—Yes. A message to say that the "G" Division, which is the Detective Division of the police, had received a message from the County Inspector at Howth that about 500 National Volunteers had taken possession of the Pier there and were loading arms and ammunition;

that the few police were powerless and asked that the R.I.C. Depot should be informed.

58. The *Chairman*.—What time was this?—About 1.40 o'clock.

59. Mr. Henry, K.C.—On receiving that message what did you do?—I told Superintendent Dunne to inform the R.I.C. Depot and also to inform the military authorities.

60. And shortly after did you give him any further directions?—Yes. It occurred to me then that likely most of the men gone to Howth belonged to Dublin City, as of course I was aware how things were going on.

61. Some time after that did you give him a direction?—I told him to get as many of the Dublin police together as he could—a very short time elapsed between the first and second message, not more, probably, than three or four minutes—and send them by special teams to Howth to assist the R.I.C. I know, of course, that that could be done more quickly than getting men from the R.I.C. Depot.

62. Did you give any further instructions?—I instructed him to seize the rifles and not to make arrests.

63. The *Chairman*.—Who were to seize the rifles?—The police, my lord, and they were to go in support of the R.I.C., whom I presumed at the time would be in difficulties.

64. Mr. Henry, K.C.—Did you send any other message that time or immediately after?—I then telephoned to the Under Secretary at the Under Secretary's Lodge.

65. The *Chairman*.—What hour was that?—Possibly 1.50 or thereabouts. All these things followed very rapidly, one after the other. I am not sure about the minutes, but it was possibly 1.50 or thereabouts. I telephoned to the Under Secretary and told him what I had learned about the loading of arms at

Howth. I also told him I sent three tramcar loads of Dublin police down to Howth to assist. The Under Secretary asked me were the police armed, and I said they were not, and that, of course, our men did not carry arms. He said that I should communicate with the Deputy Inspector-General of the Royal Irish Constabulary. I told him we were already in communication with the Depot, as if men were to be obtained they would be got there in the quickest way.

66. Mr. Henry, K.C.—Is there a small force of police always at the Depot?—Yes, but the Deputy Inspector-General would not be there on Sunday.

67. The Royal Irish Constabulary do carry arms?—Yes. As a matter of fact, I had a few minutes before tried to communicate with the Deputy-Inspector General on his private telephone, but could get no reply. He lives in the suburbs of Dublin.

68. The Deputy-Inspector General would not then be at the Castle?—No. Of course on Sunday he would not be there. I failed to get a reply.

69. Would you give the Court the whole of the communications that passed between the Under Secretary and you and you and the Under Secretary?—I have no recollection that he said he was coming into the Castle, and I am quite certain that he made no appointment whatever to meet me there. I told him as I concluded my conversation that I myself was going at once into town.

70. Before you left did you send any other telephone message or telegram?—I did. I wired to the police at Kingstown to let the coastguards there know what had taken place, as I feared the communications might be interrupted with, and to tell them that if they thought of sending men across to Howth by any steamer that Dublin police would accompany them.

71. Before you left your house at Monkstown did you get any further message from Superintendent Dunn?

The CHAIRMAN.—About what hour was this?—This would be about 2 o'clock, my lord.

72. Mr. Henry, K.C.—What was the message you received from Superintendent Dunn?—He told me that a further wire had been received from the police at Howth to say that about 1,500 Volunteers with rifles and ammunition had left, marching for Dublin. He also told me he was unable to get into communication with the military authorities. I told him it was necessary that the Dublin Police should have some armed force to support them, and to try and get some armed men from the R.I.C. Depot together with the Dublin Police. Superintendent Dunn subsequently told me that he telephoned to the R.I.C. Depot and could not get the Depot.

73. The CHAIRMAN.—Did he give any reason why?—That he could not get them on the telephone.

74. Mr. Henry, K.C.—What did you do then?—I telephoned to General Cathbert at the Kildare Street Club, thinking I might find him there. As it happened he was there.

75. The CHAIRMAN.—What is General Cathbert's position?—He is Brigadier-General of the Infantry Brigade in Dublin.

76. What conversation had you with him?—I told him what I had heard about the loading of the arms and ammunition, and the march to Dublin, and I asked him if he would give assistance to intercept the Volunteers before they reached Dublin.

77. The CHAIRMAN.—To intercept the Volunteers?—Yes, before they reached the city.

78. Mr. Henry.—What did he say?—He said he would. I then told him that I would motor at once into Dublin, and call for him at the Club.

79. The Right Hon. W. D. ANDERSON.—I take it you were at your own house in Monkstown at this time?—All time, yes. I had to wait for the motor in the first instance.

80. Mr. Henry.—That is to get you in quickly?—Yes.

81. What time did you reach the Kildare Street Club?—I should say about 3.40 or thereabouts.

82. And did you find General Cathbert awaiting you in the hall?—General Cathbert was waiting there with the Garrison Adjutant-General.

83. What is his name?—Captain Helling.

84. How long did you remain there?—Oh, not a moment, I might say; and I might mention that I did not speak to any person in the Club but General Cathbert.

85. Before you left, did you get a message from a waiter?—I did.

86. Tell us what it was?—I got a message from a waiter that Sir James Dougherty wanted to speak to me on the telephone. I told General Cathbert that we must go at once to the Castle, and find out the latest information, before we could do any more, with regard to what was going on. He came with me in the motor, and on the way we discussed what should be done—that is as to the assurance that the troops would give—not in detail, of course, because I was responsible. But I told him it was desirable that the Volunteers should be stopped outside Dublin, as otherwise it might lead to disorder in the streets; and I suggested a point where the Howth Road meets the Sea Road, at Clontarf, as that being the best situation.

87. Were you apprehensive of disorder if the 1,500 men marched into the city?—I certainly was. I had no information, I might say, as to what was being done, who these people were, under what control they were, or what their ultimate intentions were.

88. Now, did General Cathbert make any arrangements with the Garrison Adjutant as to sending troops?—Yes; he and the Garrison Adjutant came into my office at the Castle, where Superintendent Dunn and Superintendent Lowe, of the Detective Division, were at the time. Superintendent Dunn told me then about what had occurred at Howth.

89. The CHAIRMAN.—What hour was it now?—2.45, my lord, I would say roughly. We went straight from the Club to the Castle which is a very short distance.

90. Dunn told you then what?—He told me about the 1,500 men, and that they had resisted the County Inspector. General Cathbert then gave orders to the Garrison Adjutant to send the troops to the point that I had mentioned on the Howth Road.

91. Mr. Henry.—What happened then?—The number or disposition of the troops, of course, I left to the General.

92. Did you get a message at that time from Superintendent Lowe?—Yes.

93. What was it?—He gave me a message that a message had come from the Chief Secretary's Office that I was wanted there.

94. The CHAIRMAN.—At that time you got that message?—At that time I got that message.

95. Mr. Justice MOLOUNT.—That was at 2.45?—Yes; the minutes were going, and this might be 2.50.

96. Mr. Henry.—What did you do?—Well, I told Superintendent Dunn that there was no time to be lost as we must follow the police. I considered that I had sent the Dublin police on a somewhat perfunctory duty, and that if anything took place of a serious nature and I were not there to assume responsibility, I would be failing in my duty. Therefore, I said we should proceed at once to follow the men who had gone.

97. The CHAIRMAN.—What time was that about?—About 2.45 or 2.50, I would say.

98. It was a perfunctory duty you got?—I think it was a perfunctory duty they had gone on; and I really did not know what might happen, and I felt it was my duty to follow at once and assume responsibility.

99. The Solicitor-General.—It does not appear clear if he said that to Sup't. Dunn?—No; I say that for reason of haste.

100. The CHAIRMAN.—You considered it a perfunctory duty upon which the police had been sent, and you thought there was no time to be lost?—Yes; and it was my duty to follow the police, assume control, and take responsibility.

101. Mr. Justice MOLOUNT.—Did not you tell Mr. Dunn that you would proceed at once to follow the police?—Yes.

102. Mr. Henry.—Did you keep the motor you used waiting?—Yes, it was down below.

103. Did you make any attempt to communicate with the Chief Secretary's Office?—Yes. I tried the telephone which conveys through the police telegraph office.

102. The Rt. Hon. W. D. ANDREWS.—Where were you at the time?—In my office in the Lower Castle Yard—the Dublin Metropolitan Police Office.

103. The Rt. Hon. W. D. ANDREWS.—That is within a few yards of the Chief Secretary's Office?—Yes, it is. The Chief Secretary's Office is in the Upper Castle Yard, and mine is in the Lower Yard.

104. Mr. HEERY.—In addition to being the Assistant Commissioner of the Dublin Police, you are a magistrate of the County by virtue of your office?—Yes, by virtue of my office.

105. Finish your statement with regard to the attempt to get into communication with the Chief Secretary's Office?—I made an attempt to communicate with the Chief Secretary's Office by telephone, and the clerk in the Exchange told me there was no communication with the Chief Secretary's Office—that he had been trying it.

106. Did you send any one?—I was told that a message had been sent to the Chief Commissioner informing him of what was taking place.

107. Who told you that?—Elder Sept. Dunne or Sept. Love.

108. Mr. ANDREWS.—To whom was this message sent—the Chief Commissioner, Sir John Booth?—Yes, informing him of what was taking place. Before leaving I told Superintendent Love to let Sir James Douglas know.

109. Mr. ANDREWS.—Let him know what?—I did not tell him to let him know what. He knew what was going on. I did not specify what he was to say to him. I told him to let him know.

110. Mr. HEERY, K.C.—Both you and the Chief Commissioner are Magistrates for the County of Dublin?—Yes; and the adjoining counties round Dublin.

111. And outside your own area of the Dublin Metropolitan Police District?—Yes.

Mr. HEERY, K.C.—I will give you the reference.

Mr. ANDREWS.—What are the counties?

Mr. HEERY, K.C.—I will give them to you in a moment. They are the counties abutting on Dublin.

The CHAIRMAN.—Magistrates ex-officio?

The WITNESS.—By statute.

The CHAIRMAN.—Give us the reference.

Mr. HEERY, K.C.—It is in 6 and 7 Wm. IV., chap. 39, section 1. The counties for which they are Magistrates are—Dublin, Wicklow, Kildare and Meath—Dublin and all the counties abutting on the county of Dublin. It is under the 6th and 7th Wm. IV., chap. 39, which is entitled an Act for improving the Police in the District of the Dublin Metropolis. The two persons in command of the police under that Act were simply called Justices of the Peace, and while justices discharged similar duties now discharged by the Commissioner and the Assistant Commissioner, but they were simply called justices. In 1859, by the 22nd and 23rd Victoria, chap. 32, it is stated—"In the interpretation of this Act the words Commissioners of Police and Receiver shall mean respectively the Justices and Receiver appointed in the first herein-before recited Act;" and the Commissioners became justices by virtue of that Act in 1859. Then section 2 provides—there being two Justices and two Commissioners by virtue of the change—"Whenever a vacancy shall occur in the office of Commissioner of Police it shall be lawful for the Lord Lieutenant if he shall so think fit to appoint an Assistant Commissioner to act with the remaining Commissioner, and from time to time to appoint the successors to each Commissioner and Assistant Commissioner, and such Assistant Commissioner shall take the oath required to be taken by the Commissioners of Police, and shall thereupon with the remaining Commissioner, who shall be styled henceforth the Chief Commissioner, possess and be subject to all the powers, duties and provisions of or affecting the Commissioners of Police, but subject to the provisions hereinafter contained." His title is Assistant Commissioner, but the two are really Commissioners. Then there is Section 4, which I think is material.

Mr. ANDREWS.—Which Act?

Mr. HEERY, K.C.—The same Act. "Anything authorized to be done by the Commissioners by any Act hereinafter recited, or by any other Act, may

be done by either of the Commissioners now holding office, and if the Commissioners shall have become Chief Commissioner and Assistant Commissioner, as hereinafter provided, may be done by the Chief Commissioner alone, or in his absence by the Assistant Commissioner alone, provided that to establish the validity of any act or thing done by the Assistant Commissioner it shall not be necessary to prove the absence of the Chief Commissioner." Then, Mr. Harrel, you are aware of the orders for the guidance of the troops in affording aid to the Civil Power in Ireland?—Yes.

The CHAIRMAN.—We are very anxious to get the assistance of the Bar at this point. The proposition is, as I understand it, is that he is a magistrate of the county ex-officio. Now, is any part of the case to be laid before us that the orders were issued by him in that capacity?

Mr. HEERY, K.C.—In that capacity.

The CHAIRMAN.—Yes.

Mr. HEERY, K.C.—Certainly. You will see that under the orders I am going to refer to, namely, the orders issued by the War Office.

The CHAIRMAN.—I thought you would come to that.

Mr. HEERY, K.C.—The orders issued by the War Office for the guidance of the troops in affording aid to the civil power in Ireland run—

The CHAIRMAN.—Section?

Mr. HEERY, K.C.—Section 9—"Except in cases of great and sudden emergency (as explained in paragraph 30) no officer will order out or take out troops for the purpose of aiding in the suppression of riot, the maintenance of the public peace, and the execution of the law, or to assist the civil power in case of an expected riot without the requisition in writing or by telegram (to be confirmed in writing) of a magistrate, sheriff, the Chief or Assistant Commissioner of the Dublin Metropolitan Police, or officers of the Royal Irish Constabulary having jurisdiction in the place where the services of the troops are required; whenever, however, a magistrate makes a requisition it is to be sent to the Officer Commanding the troops through the office of the Police of the district." Then provision 17 provides for the attendance of the magistrate.

The CHAIRMAN.—That is for what?

Mr. HEERY, K.C.—That is for the attendance of the magistrate and the provision of the troops. "Except in cases of extreme urgency, when a magistrate must be constantly present with the party, no officer will grant troops on any requisition that will cause them to be removed or undue marches from their posts without referring such requisition to the local Commandant." Then Section 21 provides—"Every separate body of troops should, if possible, be accompanied by a magistrate, but not more than one magistrate (previously the Resident Magistrate) will act with the Officer Commanding, whom he should remain as near to as possible. I should, however, have dealt first with Rule 30, which says—"The officer in command of a party called out for any of the above purposes must act on his own initiative and responsibility, in consultation with the magistrate or other civil authority present."

The CHAIRMAN.—What are you reading now?

Mr. HEERY, K.C.—Rule 29, page 10, "If accompanied by a magistrate he will proceed to the place or station where the aid of the troops is needed, or if not so accompanied then to a place of meeting with the magistrate which the magistrate may have appointed, provided such place be a sufficient and reasonable distance from the spot where the aid of the troops is required." Then Section 34 provides—"In case of riot the magistrate, if circumstances permit, will read the proclamation contained in the Riot Act, 27 Geo. III., chap. 15, sec. 2 Irish Statutes, and call on all present to assist him in suppressing the riot. Before the proclamation is read the alarm should, where possible, be sounded on a bell, so as to call attention to what is about to be done." Rule 25 states—"When the magistrate thinks it necessary he will request the Officer Commanding the Troops to take action. This request should be made distinctly, and if possible in writing, although a verbal request will be sufficient." Section 28 reads—"On being requested by the magis-

trate to take action the officer commanding will act at his own discretion, always remembering that he is legally and personally responsible for any unjustifiable action he may take, whether such action be ordered by the magistrate or not." Then Rule 37 provides—"The troops will remain on the scene of riot until the magistrate and officer commanding decide that they are no longer required."

The CHAIRMAN.—What is the number?

112. Mr. Henry, K.C.—Rule 37 (To Witness)—And you proceed, after you sent Superintendent Lowe to the office, to the place of meeting, so as to be there in your capacity as a magistrate as well as Assistant Commissioner?—Yes.

Mr. Henry, K.C.—While I am on the subject of sections, allow me to refer to one or two clauses of the Customs Act, under which the proclamation was issued, and also to one or two of the sections dealing with offences done in violation of that order.

The CHAIRMAN.—We must leave ourselves very much in the hands of the Bar as to these. In this case, where the person concerned is this witness, you have a right, if he is one to be regarded as those persons who are charged with certain duties, and if the circumstances established were demanded by the action which was taken?

Mr. Henry, K.C.—It was only with that view that I was referring to this section. The proclamation was made under the 138th section.

The CHAIRMAN.—Have you a copy of the proclamation?

Mr. Henry, K.C.—I have. I was going to hand it in.

The CHAIRMAN.—There was a proclamation issued; but you must connect the witness legally with it.

113. In examining your witness, Mr. Harrel, you held the function expressly mentioned by section 9 for the conveyance of troops, namely, the function of Assistant Commissioner of Police?—Yes.

114. You are expressly named in these orders?—Yes; I was aware of that.

115. In compliance with those duties, as you conceived them, you took into account the existence of the Royal Proclamation in the Vice-Royal Proclamation?—A Royal Proclamation.

What is the date of the Royal Proclamation?

Mr. Henry, K.C.—The date of it is December 4th, 1913, and it provides—there are two of them—one dealing with "the importation into Ireland of arms and ammunition and other goods hereinafter mentioned."

Mr. ANDREWS.—Can you name the Chapter and Section?

The CHAIRMAN.—A Royal Proclamation was issued in virtue of what?

Mr. Henry, K.C.—In virtue of Section 108 of the Customs Law Consolidation Act, 39 and 40 Vic., Chap. 36—"Whereas by Section 8 of the Customs Act the following goods may, by Proclamation or by Order in Council, be either prohibited to be exported or carried coastwise, any arms, ammunition and any articles which His Majesty shall judge capable of being converted into or made useful in increasing the quantity of military stores may, by proclamation, be prohibited to be carried coastwise."

Mr. ANDREWS.—I thought the construction of that was under the consideration of the Courts?

Mr. Henry, K.C.—It was before the Court of King's Bench, and now it is being taken to the Court of Appeal. In the Court of King's Bench it was held by a majority of the Judges that the Proclamation was valid.

Mr. ANDREWS.—Is it not sub-judice still?

Mr. Henry, K.C.—It is subject to review by the Court of Appeal?

116. Is it not in the Court of Appeal?—It is in the Court of Appeal at present.

Mr. ANDREWS.—Then I would have thought it to be sub-judice.

Mr. Henry, K.C.—There are two proclamations—one is a proclamation—

The CHAIRMAN.—I would like a copy of the statute if anyone has a copy to spare.

Mr. ANDREWS.—Are we competent if this is under the consideration of the Appellate Court to continue this Act?

Mr. Henry, K.C.—I don't put it that way. This officer had no option but to act upon it as legal.

The CHAIRMAN.—That is a matter for after consideration. What I am concerned with is that we should get from these officers founded questions of fact. These questions of fact may include documents and public statutes relating to the discharge of their duties. Once we get those from them we should be glad to have any assistance from the Bar as to the questions to be determined and also upon the other questions to which my friend on the right has referred—as to whether we could deal with or accept anything that was a subject matter for a decision in a Court. Meanwhile, if you would shape your questions in this way—furnish us with copies of the statute and the proclamation; and secondly what was the position of the witness in virtue of these statutes and proclamations and under the articles that he acted, and then you will get again into the region of action.

(The Court adjourned for luncheon.)

After the interval,

The CHAIRMAN asked.—Did any gentleman at the Bar inform us whether this proclamation in its terms was made the subject of discussion in any law cases recently?

The Solicitor-General.—Yes.

Sergeant Sullivan.—The one before you mentioned by Mr. Henry was not. The second one, in the third section of the statute, is the subject of discussion at present in the cases pending, and the one under the 36th section. My friend, I understand, has sent up the proclamation under section 61, but I understand from his statement that he was sending it up under the earlier sections. That is the subject of consideration in another Court.

The CHAIRMAN.—We have looked at this, and we do not see it is a proclamation that at present affects the position of Mr. Harrel in any way whatsoever. It seems to me that the document headed up is a document addressed to the Inspectors and County Inspectors in Ireland.

The Solicitor-General.—These are the instructions. I should have directed your lordships' attention to that. The instructions were issued, and adversely they were issued only to the Royal Irish Constabulary. However, you will come to the sections which will point out to the giving to the Royal Irish Constabulary the power the Customs officers possess in these respects; but these do not embrace the Dublin Metropolitan Police. Any instructions that were issued to Mr. Harrel in the Dublin Metropolitan Police did not embrace the other powers; any instructions that were issued to Mr. Harrel did not embrace the subject of instructions to the Royal Irish Constabulary Inspectors.

Mr. ANDREWS.—Has this document anything to do with the document that we are inquiring into?

The Solicitor-General.—I would rather think not. The County Inspector here when acting in the matter of his direction would have been entitled to act under it. As for Mr. Harrel, it is a matter for Mr. Henry to argue with your lordships.

The CHAIRMAN.—On the whole, we are not surprised by Mr. Harrel at what he said, in not having referred to this document. In our judgment, so far as at present we can see, it does not bear upon the real issue which we have to determine, of calling on the military to Howth Road, that issue being one in which the Deputy Inspector-General is interested. We think it is right to get at the bottom of this matter.

The CHAIRMAN.—You referred to the 39 and 40 Victoria, chap. 36?

Mr. Henry, K.C.—I have section 61, which is one of the sections under which the proclamation was made, prohibiting the importation of arms, ammunition, gunpowder, or other goods of the kind into Ireland. The prohibition could be made by proclamation or an order in Council. I hand in a copy of the Gazette containing the proclamation against the importation of arms, ammunition, and other munitions into Ireland.

The CHAIRMAN.—Is it the Order in Council you now produce?

Mr. Henry, K.C.—It is in the proclamation in the *Gazette*.

Mr. Andrews.—It is in the *Gazette*.

Mr. Henry, K.C.—It is. The section at page one based on Section 138 made against the removal of goods contained in the important one. It is really the material one.

The Chairman.—"Arms, ammunition, and the following goods—that is to say the component parts of any arms, cartridge cases, combustibles" shall be prohibited to be imported into Ireland, and this in connection amongst other matters for sale or for sporting purposes. That does not affect the question here at all. So that it is a prohibition of the importation of arms into Ireland and seems to be in compliance with Section 43, which specifically forbids that the importation of arms may be prohibited by proclamation.

Mr. Henry, K.C.—Section 140 deals with the effective violation of the proclamation, and certain penalties are prescribed under the section. (Counsel read extracts from the section.) Section 252 of the same Act provides that all ships, boats, carriages or other conveyances and for all other animals made use of—

The Chairman.—Might be detained.

Mr. Henry.—And the words, therefore, in the statute are in accordance with giving power of seizure to a police officer of a county, or city, or borough in the United Kingdom, and persons so employed by the sanction of the magistrates having jurisdiction therein have the right of seizure. I show Mr. Harrell now to the time that Supt. Lowe had been sent by him, just before he left the Castle. I propose then to resume his evidence.

The Chairman.—His last sentence of the narrative before the legal argument was that he sent Officer Lowe to let Sir James Dougherty know.

110. Mr. Henry.—Immediately after that did you leave the Castle in a motor?—Yes, at once. I then went to Store Street Police Station.

111. First, about what hour did you leave?—I should say about five minutes to three, or just about that time.

112. On your way to Clontarf did you pass by Store Street?—Yes.

113. And did you find that Superintendent Quinn and some constables had gone to Clontarf?—Yes, he is the Superintendent of the Division concerned.

114. Did you then continue towards Clontarf, and find Superintendent Quinn and some constables at the corner of the Howth Road?—Yes.

115. What took place then?—I stopped there and spoke to him (Supt. Quinn). I asked him whether he knew where the Dublin police were, and he (Supt. Quinn) said he thought they must have been nearly at Howth by that time.

116. Was that the police you had ordered Supt. Dunne to send forward earlier in the day?—Yes.

117. There is a train service direct to Howth?—Yes, there is a direct service of trains to Howth.

118. And the police had gone by train?—Yes.

119. Mr. Justice Molloy.—Had Mr. Quinn any force with him?—He had 10 or 15 men—a small force of police.

120. Mr. Henry, K.C.—Did you mention anything to him about troops?—Yes.

121. What did you tell him?—I told him there were troops coming out on duty to that point, that I would go on after the Dublin police and try to get them back, and that I would be back there at that point later on.

122. Did you then proceed in the direction of Howth?—Yes.

123. And at Raheny what did you find?—At Raheny I saw some thousand Volunteers or so with rifles, and I also found some armed Royal Irish Constabulary.

124. Were they armed with rifles also?—They were.

125. What did you do at Raheny?—I asked the Sergeant in charge of this party what they intended to do, and he said he did not intend to do anything as they were too few in number.

126. What did you do then?—He told me there was a Head Constable in charge of the party who at the time was telephoning from a neighbouring house. I went and found the Head Constable who was telephoning at the time for instructions.

127. Continue?—I got on the telephone myself to the Dublin Police headquarters, and I told them to let General Cuthbert know that the Volunteers to the number of a thousand or so were then passing through Raheny, so that he would hasten the arrival of the troops if necessary. I also told him to wire to Howth to send the Dublin police back at once to the corner of Howth Road.

128. Where did you go yourself after that?—I then came back at once by the motor to the Howth Road and on the way passed some of the Dublin Police returning from Howth and ordered them to alight at the corner of Howth Road.

129. The Chairman.—They were coming by car? The Witness.—No; they were coming by tram, my lord.

130. Mr. Henry, K.C.—Did you find Superintendent Quinn still at the corner of Howth Road where you had left him when you returned?—Yes.

131. Did you send any further message at that place?—Yes; I found that the troops had not arrived at that time. I then went to Clontarf Police Station, which is not very far away, and I again telephoned to the police headquarters. There was considerable delay there and great difficulty in getting through on the telephone. Just as I was leaving the station the sergeant told me that there had been a call for me from the Castle.

132. The Chairman.—What hour was that?—I should say within a few minutes of four o'clock.

133. Where was that at which you received that?—At Clontarf Police Station. I left the Police Station at once and returned to Howth Road.

134. The Chairman.—Did the sergeant mention to you what was the purport of the call?—No.

135. Mr. Justice Molloy.—Was the call from the Castle?

The Witness.—I don't think so; I have no recollection of any particular place being mentioned.

136. Mr. Henry, K.C.—Were you expecting the arrival of the Volunteers?—If I had waited at the place for one moment longer the troops, police, and Volunteers would have met at Howth Road in my absence, because I only arrived at that corner as the troops were alighting from the train and the Volunteers were getting to the corner.

137. After leaving the police barracks tell us your movements?—I then returned to the corner of Howth Road where there were at the time roughly about sixty or seventy Dublin Police. I might say, of course, that Superintendent Dunne was with me all this period. And as I arrived the troops were alighting off the train, and as they did so the Volunteers appeared in the distance just turning the corner.

138. How far away?—Well, I should say a couple of hundred yards or three.

139. Just as you arrived?—Just as I arrived at the corner, I had just time to get the police across the road, for at the time the Volunteers were coming down the road.

140. And was that the first manoeuvre that you ordered when you came on the scene?—That was the first.

141. Where were they then drawn across exactly?—Just a few yards up the road.

142. From the Clontarf Road?—Yes, from the Clontarf Road.

143. A few yards up the Howth Road?—Yes.

144. What order were they drawn up in?—The police were in front, and the troops were behind.

145. Were they separated at any considerable interval?—Not much of an interval at that time. It was done there hurriedly.

146. When the Volunteers saw this movement, did anything happen?—Yes, they turned off then, going in the direction of the Malahide Road, which also leads to the city parallel to the Howth Road.

147. With the view of getting on to the Malahide Road, and getting off the Howth Road nearer Dublin?—Yes.

148. What did you do with the troops and constables when that happened?—I moved them across Clontarf Crescent to the Malahide Road.

149. Did you block that road in the same way as you blocked the Howth Road?—Yes.

150. What did you do yourself—you came to the Malahide Road?—The police were in front of the

troops who were about 30 yards behind. When the Volunteers approached that way they were a very large number—there were numbers of them marching with rifles. I went out in front, and held up my hand, and told them who I was, and I told them they were an unlawful assembly, and I told them I would not allow them to march into the city, and they must surrender their arms, mentioning the fact that the arms had been illegally brought in in defiance of the proclamation.

154. Just tell us what took place then?—Well, there were two or three leaders of the Volunteers who began to argue the question with me, and some discussion took place—they claiming that they were acting legally, and that the same thing had been done elsewhere in Ireland. I told them that they were acting illegally, that I was aware these were arms that had been landed in Howth in defiance of the proclamation, as I had been told so by the police inspector. The Volunteers in the rear were at this time pressing forward, and there were cries and shouts to go on. They seemed determined those in the rear to force their way. Some of those in front clubbed their rifles, and assumed a menacing attitude. I told one of them, to whom I was speaking, that if it was proved that the rifles were legally in their possession, and they delivered them up that they would be returned to them. They did not take that remark seriously, although I assured them I was serious in making it. While some of these in the rear were then pressing forward, and as I heard their cries, I came to the conclusion that the time had arrived that some action should be taken, as if the numbers that were behind pressed forward and broke through the police they would come in conflict with the troops, and something had to be done at that moment to assert the law. I therefore ordered the police to disarm the men.

157. Had anything been said at this time about the possession of ammunition on either side?—Yes; they told me that they had ammunition and would use it if necessary. I then pointed to the troops in the rear, and I said that they had ammunition, and it would be used if any such action was taken. Some of them said—"Go for ammunition," and various other remarks of that sort were used, as if preparing for a struggle. So, as I say, I came to the conclusion that the time had arrived when action has to be taken, and I ordered the police to disarm the men who were in front. The police did so, and there was a struggle between the police and the Volunteers. The Volunteers had clubbed their rifles and struck at the police, who took some of the rifles—15 or 20—from them. They also took some long clubs they were using that they had tied round their wrists.

158. The CHAIRMAN.—About what length were they?

The WITNESS.—About two and a half feet long. They had them tied round their wrists. The struggle between the police and the Volunteers was brief but sharp. The Volunteers in the rear began to disperse, and some of them went into yards and various places in the neighbourhood, and in a moment or two the road immediately in front of us was practically clear.

159. Those who disappeared in that way took their rifles with them?—Yes, I saw them.

160. Were their many remaining immediately in front of the police at that time?—No, they were higher up the road.

161. Just tell us what happened then?—Well, I went up the road myself to reason with some of the leaders. When I had gone a short distance upon the road there were several shots fired, and I was then told that two soldiers were shot. I thought that the shots had come from the Volunteers who were in front still on the road a little distance up from where I was. The police had followed me up, and were then still across the road. Believing that the shots which were fired, were fired by the Volunteers in front who had as I have already stated, threatened that they would do so, I then ordered the police to fall back, and I waved my hand to the officers in charge of the troops to come forward. He did so, and brought his men up. He then came up to me, and I think he asked me what was going to be done.

162. Had the soldiers their bayonets fixed at that time?—I think they fixed their bayonets as they were coming up. The officer asked me what was going to be done.

163. By the CHAIRMAN.—Captain Cobden?—Yes, my lord. I didn't know his name at that time. I told him that if the firing continued it might be necessary to fire. I then turned round to speak to some of the leaders of the Volunteers, and as I did so, one of the Volunteers, I believe it was, and a soldier got into conflict in some way or other. I didn't see the incident, but I heard the Volunteer had been stabbed with a bayonet. I then heard that the shots had come from the rear and left of the troops, and not from the Volunteers in front, and I told the officer in charge that in these circumstances he would not be justified in taking further action as regards firing.

164. By Mr. HEWY, K.C.—Did any firing take place?—None, whatever.

165. Now, what did you do next?—Well, I then got into conversation I think with Mr. Daniel Figgis, and a Mr. McDonogh.

166. Were those leaders of the Volunteers?—Yes. We again discussed the matter at some length. I was aware at this time that the Volunteers were making their way around at the back, but I had not sufficient force to surround them, and I came to the conclusion that any further attempt to take action might result in serious consequences, and therefore I allowed them to retire while we conversed.

167. The Volunteers were dispersing at the back?—Yes.

168. Through the adjoining fields and places?—Yes.

169. And ultimately did they disperse?—Yes. During this conversation we repeated the same arguments practically as before.

170. Did you move the troops and police to Fairview?—Yes.

171. About what time was that?—At 4.30 I should say.

172. Can you identify where they were halted in Fairview?—Well, I moved the police down the road, intending to go to Philipplough Avenue, and at the time I intended the troops to follow, but my message evidently was not conveyed properly and the troops came to Fairview. We went on a little bit further and turned up the road to Philipplough Avenue.

173. Did you halt at the place called the Father Mathew Park?—Yes, opposite the Father Mathew Park.

174. And did you see a number of the Volunteers coming in without rifles?—Yes.

175. They had disposed of them in the meantime somehow?—Yes.

176. Before you left the Malahide Road, did you meet Sir Neville Chamberlain, the Inspector-General of the Royal Irish Constabulary?—Yes. I met Sir Neville Chamberlain who told me that he had 60 armed R.I.C. men at Annes Street Station.

177. What did you say?—I told him they were not wanted. I was quite satisfied that the thing was over.

178. Did you telephone shortly after that to General Culbert?—Yes.

179. To what effect?—Well, I went to the telephone and found that in the meantime the reinforcements of the Hosiery Battalion had arrived, when I had not seen before and then. And the officer in charge of them was, I think, communicating with the General. I spoke to the General, and told him what occurred. He said he was sending a further detachment of troops. I said they were not wanted, and that everything was practically quiet at the time. So he told me that I could keep the troops as long as they were required, and then send them back to barracks.

180. What time did you actually send back the police and also the troops?—I should say about 5.30.

181. Mr. ASPINALL.—Sent back from what point?—The police at the time were in Philipplough Avenue, out of sight of the troops. The police at the time had possession of the armed rifles that they had taken from these men, and it was thought desirable to send the police back to Philipplough Street Police Station by another route. But immediately after, when I had considered that there was no longer any necessity for keeping the police, I came at once down and told the officer in charge that there was no necessity.

182. Was Fitzgibbon Street Station the station from which the constables had been drawn?—No; but it was the nearest.

183. You sent them back through Drumcondra?—Yes. There was some talk about taking the rifles, and I did not want any trouble about them.

184. Did you direct the officer in charge that there was no further trouble, and that he might take the police back?—Yes.

185. Where were the military actually stationed at that time?—At Fairview camp—about one hundred yards from the police. Of course, there is a sharp turn at that place, so they were out of sight of each other.

186. Did you accompany the troops on the way back?—No.

187. They went off in charge of their own officers?—Yes.

188. Where did you go yourself, Mr. Harrell?—I went to Ansons Street Station.

189. Had you suggested earlier to General Gathbert that he should send some troops to Ansons Street Station?—Well, I did not actually suggest it, but he told me he would send them, and I thought it would be better that they should stop at Ansons Street.

190. When you were at Ansons Street were you handed a letter from the Under Secretary that had been re-directed from Sir John Ross?—Yes, about 5.45.

(Reads).—The Assistant Commissioner. As regards the steps which you have taken on your own responsibility to deal with the arms landed at Howth this morning, His Excellency is advised that feasible disarmament of the men now marching into Dublin with these arms should not be attempted, but the names of the men carrying the arms should be taken, and watch should be kept to ascertain the destination of the arms illegally imported. His Excellency cannot authorise any further steps in the matter at present.

191. Did you receive that at Ansons Street Station?—Yes, at five o'clock.

192. What did you do?—I went to the Castle, and arrived there about five minutes to six. I told the Chief Commissioner what had occurred, and he told me that the Under Secretary would like to see me.

193. Did you go to the Under Secretary's office?—Yes.

194. Did you give an account of what occurred?—Yes.

195. Mr. Justice Murray.—To the Under Secretary?—To the Under Secretary.

196. Mr. Henry, &c.—When you were there did you hear of the affray that took place in Bachelor's Walk?—Yes.

197. You were not with the troops at all after departing from Fairview?—No.

Cross-examined by Mr. Sergeant Sullivan.

198. Is the absence of the Chief Secretary, is not the Under Secretary the principal Executive officer at Dublin?—Yes.

199. You say that in your original telephone communication with Sir James Duggan you have no recollection he had any desire to see you?—I am satisfied he had not.

200. But at the Kildare Street Club you received a message that the Chief Secretary's Office was trying to communicate with you?—Yes.

201. You know that that meant the Under Secretary?—No. As a matter of fact I had no idea at the time that the Under Secretary had come to the Castle or had any intention of coming.

When you were at the Castle did you get any message that the Under Secretary wished to see you?

The Chairman.—He said, "I understood I was wanted at the Chief Secretary's Office."

202. Sergeant Sullivan.—Would you tell me, Mr. Harrell, how long would it have taken to walk from your place into the Under Secretary's room?—A few minutes.

203. Or less—even a minute?—Oh, no.

204. At all events you are in the same group of buildings?—Yes.

205. When you went to the telephone station in Clarendon you again received a message that the Under

Secretary was trying to communicate with you?—No.

206. That the Castle was trying to communicate with you?—Yes.

207. No particular department was mentioned?—No.

208. But at all events may I take it that you did not communicate to the Under Secretary your resolve to bring out armed men to deal with this question?—No, I did not.

209. Were you aware that in your police district the drilling of this body of Volunteers had been going on for a considerable time?—Yes.

210. And were you aware of the personnel and description of that body?—Yes.

The Chairman.—Is that in the City of Dublin?

Sergeant Sullivan.—In the City of Dublin.

Mr. Justice Murray.—You mean the Metropolitan District?

211. Sergeant Sullivan.—I mean the City of Dublin, which is more extensive. On no occasion had the movement of the Volunteers been associated with any scenes of violence or disorder?—No.

212. You read a somewhat ambiguous phrase as to receiving a message that twelve hundred armed Volunteers were marching on the City?—I said marching towards the City.

Mr. Justice Murray.—He said "marching for Dublin."

213. Sergeant Sullivan.—Did you anticipate that if left to themselves the Volunteers would create any riot or disturbance?—I was not at all sure that they might not. One can never be certain of the future.

214. Did you anticipate?—Yes.

215. What did you expect they would do?—I don't know.

216. The Chairman.—I point out to the witness that he does an injustice to himself by the misuse of the word "anticipate"?—I can explain to your lordships my condition of mind at the time.

217. Sergeant Sullivan.—I want to get at your state of mind. Now, in your own mind what course of action did you think would be pursued by the Volunteers if they were left to themselves?—I thought they would possibly march into the City. I did not know exactly who they were, or under what organisation. I did not know but that arrangements might have been made for their reception in the City, and if, having violated the law openly in the daylight in this way and imported arms, I came to the conclusion that if they were surrounded by large crowds and assailed by large crowds it might have led to more serious trouble.

218. Would you try to be a little more specific. If they came into the City they would be surrounded by a crowd?—Yes.

219. Would not that crowd be friendly to the Volunteers?—Certainly.

220. There was no anticipation of their coming in contact with a hostile crowd?—Not necessarily.

221. I don't say necessarily, but was there then the smallest chance that they would encounter a hostile crowd?—No.

222. Would you describe more specifically the nature of the acts that you feared might follow from a reception by the friendly crowd—what acts did you anticipate?—I did not anticipate any particular acts. The whole proceeding was, in my opinion, illegal from start to finish. I was responsible for the peace of the city, and if anything happened, and I had taken no action, I would have been very much to blame.

223. You cannot state any particular act of violence to property or person caused by the assembling or marching in the vicinity of the city or in the city?—Well, anyone with experience of crowds knows that if a crowd of certain proportions passed to carry out their objects there is bound to be trouble.

224. What objects?—Well, asserting their supremacy over the law.

225. At all events, were you aware of the circumstances under which the military may legally be called upon to aid the civil power?—Yes.

226. Were you aware—I don't wish to advance any point of law now—did you anticipate any injury to persons or property in the City of Dublin from the marching of the Volunteers?—Well, I really could not anticipate anything definitely. The peace was

being broken, and was likely to be broken, and it was to prevent that that I took action.

227. Was your primary object to seize the rifles of the Volunteers?—No. I was more concerned with their being an unlawful assembly, and the necessity for not allowing them to march the city—not actually the seizing of the rifles.

228. Was your primary object to disperse?—Yes, and to seize the rifles if I could.

229. Primarily to disperse, secondarily to seize the rifles?—Yes.

230. And was your requisition to the military primarily to disperse the Volunteers?—No.

231. What were the military to be brought for?—Because I knew it was quite useless to attempt to disperse them or seize their rifles with a few unarmed police.

232. What were the military to do?—They were to act as circumstances would require.

233. What action did you anticipate the military would take?—They would act on my instructions.

234. Were you going in the first instance to attempt to disperse the Volunteers with police?—Yes.

235. By force?—If necessary.

236. Then may I take it, Mr. Harrel, that you anticipated there would be a conflict between the police and the Volunteers owing to the action you were taking?—Oh, necessarily, unless they dispersed.

237. At your request?—Yes.

238. You did not anticipate that?—Well, I did not think.

239. Did you really expect that these men would give up their rifles and disperse at your request?—I thought that the fact that I had military assistance might have so influenced them that they would have done so.

240. Then was the military called out merely as a display of force?—No, not necessarily.

241. Were they called out in order that if a conflict occurred between yourself and the Volunteers the military would be called upon to use their arms against the Volunteers?—If the Volunteers had used firearms against my men, certainly.

242. And without using firearms?—Not necessarily.

243. Was not it possible?—Yes.

244. May I not sum up, Mr. Harrel, that you anticipated that your efforts to disperse the Volunteers would result in the very gravest disaster?—No. Not at all. I think the results show that it did not. The Volunteers and myself parted on rather good terms.

245. Did they appear to be a respectable body of men?—They did indeed.

246. Did you hear the order to load given by the military officer?—I don't think I did. I was aware that they were loaded but I don't think I heard the order given to load.

247. The CHAIRMAN.—What did you become aware that the military force was loaded?—I don't know, my lord, when I became actually aware they were loaded. I left it, of course, to them to carry out my instructions. According to the instructions the ordinary course for the magistrates to tell the officer to take action and leave it to the officer in charge to take action as he may think necessary.

The CHAIRMAN.—I only wanted to know when you knew they were loaded.

The Witness.—Just at Clontarf at about 4.30.

248. Sergeant Sullivan.—Were you aware that the troops had loaded rifles before the police and the Volunteers came into handgrasp?—They had not loaded rifles.

249. When were you aware they had loaded rifles?—After the two soldiers were shot.

250. But the military officer asked you whether he should fire?—I don't recollect that he asked me.

251. Definitely or inadvertently did he counsel you about the advisability of firing on the Volunteers?—Not at all.

252. Was there anything about firing at all?—Certainly. I have told you that when I heard two shots fired I thought that they came from the front.

253. I want to know did the military officer counsel you with reference to the propriety of your firing at the time?—No.

254. Was there any question as to whether they should not fire?—I do not actually recollect. But I told him there was no reason for any further action

in firing when I understood that these shots did not come from the men standing in front of me on the right.

255. Now, with regard to the march back. Of course the City was considerably crowded by these events?—Well, of course, I knew nothing about what was going on.

256. I will put it to you in this way—it was a very unusual proceeding on a Sunday afternoon?—Very unusual.

257. May I take it that from Clontarf on the one side and Phoenix Park on the other there is considerable traffic?—Yes.

258. Fairview on the one side and Bachelor's Walk on the other are two main avenues to Sunday resorts?—Yes.

259. Is it not usual when the military are passing through the streets to have an escort of police?—No.

260. As a result of this march was the general police force in the City substantially reduced?—Yes.

261. Before the soldiers left Clontarf was there a considerable demonstration against them by the passers-by?—Well, I did not see it. Of course I was not with the troops all the time. I was chiefly with the police in Philipshigh Avenue, but I saw a demonstration.

262. But they were kept there waiting for a very considerable time after the episode of the Volunteers was opened and when they marched into the City?—You did not see them on their march into the City?—No.

263. Didn't they pass them on your way to Amiens Street?—No. Do you mean actually at the station?

264. No; you left them at Fairview?—The moment I told the officer in charge he could go I left myself.

265. No police accompanied them?—No.

266. I gather that you spent a considerable time at the Castle?—I was not there really very long.

267. I suggest to you that the shooting in Bachelor's Walk took place between 6.30 and 7 o'clock, because you could not have heard of it much earlier than a quarter to 7?—Well, I don't know. I think it was a little earlier, but I would not be positive. Just as I concluded my conversation with the Under Secretary the news came in.

The CHAIRMAN.—Does any gentleman wish to ask any question of Mr. Harrel?

268. Mr. Henry, K.C.—There is one I want to clear up. (To the witness).—You were asked by my friend Sergeant Sullivan, would not the mass of your constables have come from the Store Street Station. Even if the constables that came from Store Street Station had accompanied the military, Store Street Station would be reached before the military would get to Bachelor's Walk?—Yes.

269. They would not have been with the military as far as Bachelor's Walk?—No. I may say I had not the slightest apprehension that anything would occur between the military and the people at all. I have never known the military to be interfered with going through the streets, and in that particular case it was the police who aimed the rifles. The military did really nothing at Malahide Road, and I had no reason to think that there was any animosity towards the military. If I had given an opinion I would have thought it was against the police the animosity would be for seizing the rifles and having them in their possession.

270. The CHAIRMAN.—We have been told that it was at 1.40 on that Sunday that the landing of arms may have been considered to be complete in the sense that those to whom they were distributed marched away, and we have been told also that there was a telephone message about that time giving information as to the last condition of affairs—that the Volunteers were marching in the direction of Dublin. May I take it that when you learned they were marching in the direction of Dublin that in your view was an important circumstance?—Very.

271. When this report occurred I suppose you were aware of the terms of the Proclamation?—I was, my lord.

272. Which in terms of the Act of Parliament prohibited the importation of arms?—Yes.

273. The legal matter is sufficiently "hoist with their pet" in your view, Mr. Harrel, but I may take it you were aware generally that arms were in the same position in the eye of the law as tea or

any other contraband goods would be, and that the landing of these arms was in that sense contrary to the law?—I was, my lord, and if I may add something, of course I thought that the Government were extremely anxious that nothing of this kind should be attempted or be successful.

294. I am sorry you answered in that sense because on that account I have to put another question to you. It did enter into your mind what the attitude of the Government would be?—Oh, certainly.

295. Is that view I am bound to put the question to you, you were not unaware of the attitude of the Government with regard to Belfast and portions of Ireland?—No.

296. And that in that case the Volunteers were allowed to carry their arms without being interfered with by the authorities, and the attitude was not favourable to the interference by force to the landing of arms in Belfast?—No. I was not aware of that.

297. In short, I think the state of your information might have been very much that of the general public to the effect that arms were received in Belfast, and that the reports of these arms marched through the city without interference on the part of the authorities?—I was aware of that, but if I may explain what I regard as a material difference in the case of the arms in the North of Ireland and elsewhere, because I was aware some of these Volunteers in Dublin had rifles, and I never interfered with them, or did not want to, but I understood there was a marked difference between the case of men who came out with rifles which the authorities could not prove had been illegally obtained and the case of men who carried arms which the authorities knew had been illegally imported. I believe the Government were just as anxious as at any time that arms should not be illegally imported and taken possession of by force as they were in this case.

298. Did it occur to you, having regard to what was taking place in the Belfast district, that the Government were favourable to military intervention to prevent the display of arms?—Not the display, no.

299. Or the landing?—Well, I believed honestly that the Government would have been favour of the employment of military to prevent the landing of arms by force, as taking place either there or here at that time—the 26th July.

300. That was your belief on that point?—Yes.

301. Now, I gather from your evidence, Mr. Harrel, that having regard to the Act of Parliament and the proclamation it was illegal from beginning to end?—Yes.

302. I think these were your own words?—Yes.

303. Were you also of opinion that that transaction from beginning to end was one that you thought should be prevented by military force?—Yes. Perhaps I might qualify that.

Brigadier-General CUTBERT

Mr. HANCOCK.—With your Lordships' permission I would like to examine Brigadier-General Cutbert.

Brigadier-General CUTBERT.—I would like to be sworn.

THE CHAIRMAN.—We have no power to do so.

295. Mr. HANCOCK, *w.c. (to Witness).*—Now, General Cutbert, are you the Brigadier-General commanding the troops in Dublin?—I am.

296. Do you remember on Sunday, the 26th of July, having a conversation with Mr. Harrel in the Kildare Street Club?—Yes, quite.

297. Will you tell the Commissioners what took place between you and Mr. Harrel in that conversation?—First of all I was called up by Mr. Harrel on the telephone from his house in Macclesfield. He told me he had received information that large numbers of arms were being brought by a large number of men—several hundreds, I understood—towards Dublin, that some other arms which were not being carried away by the men were being carried in some form of transport; that he considered it his duty to try and take these arms, and to do so he asked me for the assistance of the military. He further stated that he was

294. Certainly if anything I ask you demands qualification I shall be glad to hear your qualification.—If I could have the assistance of an equal number of armed B.L.C. men I should have been quite satisfied with them instead of military.

295. When you started from Dublin the main object was to intercept the Volunteers so as to disarm them?—I had two objects. One to intercept them before they reached the city, and to disperse them as an unlawful assembly, and to seize any of the arms illegally imported.

296. We are anxious to get from you what you thought was your justification for intercepting this march to Dublin. So far as you knew, there was nothing against the men who were so marching. I presume they belonged to the class of Volunteers who have been drilling in the city?—I believe they did. When I was making these arrangements, of course, I knew nothing definitely what they were, or what they were going to do.

297. And you made no inquiries?—It was quite impossible.

298. You received information from a person on the spot?—I did not really think of inquiring from the police, but I don't know that they could have told me much.

299. Would you permit me to ask you do you think that that crowd of assembled men intended to promote the object of carrying away these arms by means of terror or anything of that kind?—I do.

300. What was the ground for that belief?—The fact that they had resisted the police at Howth, and as I have said, I did not really know what they were going to do afterwards.

301. In point of fact it does not appear at present that you had anything against this assembly. Simply it was breaking the law in the sense of getting the arms?—No, nothing definite at that time. I didn't know what these people had in their minds to do when they came into the City of Dublin.

302. Did it ever cross your mind that if these people had been allowed to come into Dublin with their arms they would have presented a riot in the city?—Perhaps not a riot, but I did think it was highly probable that they might be led away to do so, and with the crowd following them that that would necessitate active interference on the part of the authorities.

303. Was it in view of that consideration that you ordered troops to be brought out to prevent them? Do you seriously put it forward in view of the result of riot or violent invasion of His Majesty's peace that you prevented the progress of these Volunteers to Dublin, or was it because you thought they were engaged in an illegal act?—Primarily, certainly, and I believed that they were an unlawful assembly.

304. You considered it an unlawful assembly in the sense of bringing that armed force of the Crown to suppress it?—I did.

examined by Mr. HANCOCK, *w.c.*

coming in on his way to the Police Office at once and that he would call at the Kildare Street Club to see me. That was about 2.50 that I got this message. Very soon after the General Adjutant came in, followed almost immediately by Mr. Harrel. Mr. Harrel briefly repeated what he had already told me over the telephone. We had a conversation. I said I entirely agreed with his decision—that the arms were illegally brought in; that it was my duty to support the Dublin Metropolitan Police; and being Sunday, of course, I told him there was great difficulty in getting troops. Naturally, on Sunday afternoon everyone was out, but I and I would telephone at once, and get what troops I could from the nearest barracks. We then went straight, the three of us—Mr. Harrel, the General Adjutant and myself—to the Police Office in the Castle, as I wanted to get any further information that was available. I asked Mr. Harrel what route he expected the men were coming by. The latest information in the police office was that they were coming in apparently by Rothery. We had to act at once. There was no time to think or to consult people. We were to act at once if we were to get the arms. Mr. Harrel told me he was sending out the police

at once. I telephoned to get special trains to take my men out. I telephoned to the King's Own Scottish Borderers at the Royal Barracks, the nearest barracks, to this effect—Collect all the men you can and send them out in three trains which will go to the barracks." I did not know what officers were in the barracks at the time. My order was for 100 men with 100 rounds of ammunition. Captain Cobden was the only Captain in the barracks, and he had, of course, to take the men out. Beyond issuing those orders at that time that was all that happened.

298. You issued that order that was read out by Sergeant Sullivan, which was taken down by the telephone orderly in the Royal Barracks?—I was not here when Sergeant Sullivan read it out.

Sergeant Sullivan.—It was given to me by Captain Cobden at the other inquiry.

299. Mr. Hanna, &c.—Here is the order—"To Capt. Cobden, Senders No. 16.—Rifles being brought in from Harwick, proceed to the north Railway and Dollymount Road join on the south-east of Clontarf Station to assist police, using force if necessary.—G.A."—Yes. "G.A." means "Garrison Adjutant." It was my order, and he dispatched it.

300. And you had nothing to say further after you sent that order to the Royal Barracks?—I sent a further order later on saying that they should send out reinforcements. Knowing that several hundred men were marching towards Dublin with rifles, I thought 100 men was not sufficient to support the police.

301. Would you kindly explain to the Commissioners your reason for sending out the reinforcements?—My reason was this, as I have already told you, that I knew several hundred men were marching with rifles towards the city. Of course I didn't know whether they had ammunition or not. Knowing very well from past experience that the Irish are a very good fighting race, I did not for one moment believe that the people wherever they were—I did not know anything about their being Volunteers—would have given them up without fighting for them, so I sent the order for reinforcements. I told them to collect as many other men as they could to support the 100 men sent out by Captain Cobden. So as to try and get them out in time, I telephoned to the Army Service Corps in the Royal Barracks to get out any kind of transport they had to take out the reinforcements to Captain Cobden's assistance if required, of course.

Captain Connors, King's Own Scottish Borderers, examined by Mr. Atkinson, &c.

302. You are Captain in the King's Own Scottish Borderers?—Yes.

303. On Sunday, 30th July, did you receive the order which General Callaghan has just referred to in his evidence?—Yes.

304. And in pursuance of that direction given by General Callaghan did you take 100 men to the position indicated by him?—Yes.

305. That is to the junction of the Howth Road with the Clontarf sea wall?—Yes.

306. You had 100 men with you?—Yes.

307. Had you any subordinate officers with you?—Yes, four.

308. When you arrived at the junction of the Howth Road with the Clontarf sea wall did you see Mr. Harrel or any police there?—I saw police when I arrived there first. I don't remember seeing Mr. Harrel when we arrived first.

309. Where did you station your men?—As we were getting out of the train I saw a party of civilians whom I took to be Volunteers.

310. What time did you arrive at Clontarf?—I should say about 4.5.

311. And you came there by train from the Royal Barracks?—Yes.

312. When you got out of the train did you line your men up at Howth Road?—Yes.

313. Did you remain there until you saw Mr. Harrel?—Yes.

314. How long were you there before you saw Mr. Harrel?—Very few minutes.

315. That was the last you had to say to it?—No, in the sense that I confused the other troops to barracks all over Dublin as a precautionary measure. I received information that the yacht which brought the arms was proceeding to Dalkey or Bullado's Island, where more arms might be landed. Therefore I telephoned to the Duke of Wellington's Regiment in Fortbello to tell them to be in readiness to send out men to support the police in Dalkey or Bullado's Island or wherever the landing was to be made. Later, when I heard that there had been a collision between the police and troops and people at Clontarf, I thought it advisable to send a further reinforcement of the Duke of Wellington's Regiment. I heard nothing more about the yacht, but the party of 100 men sent out were met, I believe, by Mr. Harrel at College Green. He was on his way back, and he told them they were not required. The officer in command, Captain Taylor, did not recognise Mr. Harrel, who was not in uniform, and he went on to Andrews Street Station. He then telephoned to me, and I sent them the order to return to Fortbello.

Sergeant Sullivan.—I have no question to ask.

Witness.—May I say, sir, that I as General, having given the order for the troops to go out assume entire responsibility for everything Major Hing, Major Coker and Captain Cobden did. They are most trustworthy officers, and everything they did has my entire approval, and I take the fullest responsibility for their action.

316. The CHAIRMAN.—That statement is unnecessary. These gallant officers will defend their position, and as to taking responsibility for them, the law is that every officer and every man engaged in such an expedition is responsible in the eyes of the law for his acts?—Yes, my lord. Of course, I ordered them out. They would not have been out or the responsibility would not be thrown on them unless I sent them.

317. I gather you ordered them out because the magistrate authorised by the law asked for military assistance, to use his own language, "to try and take these arms"?—Quite so, my lord.

318. Mr. Hanna, &c.—May General Callaghan leave now, my lord? Your lordship can understand he has many other duties to attend to at present.

The CHAIRMAN.—Yes.

319. Mr. Atkinson.—If he is required again he would be available?

Mr. Hanna, &c.—Yes, until Sunday morning.

320. What did Mr. Harrel say to you?—I understood from Mr. Harrel that he intended to stop these Volunteers.

321. Were they just coming down Howth Road?—Yes.

322. Were they quite near the position in which you were?—They must have been about 200 yards away.

323. What did you do with your men?—I formed them across the road behind the police.

324. The full 100?—It didn't take the whole 100 to go across the road.

325. How many did you take?—Two sections, I think—50 men.

326. At that time had your 50 or 100 men their bayonets fixed?—No, I think I gave the order at that time.

327. Will you tell us what happened after you lined your two sections of men across the road?—After that I gave the order for the whole of my men to fix bayonets and load.

328. In consequence of what did you give that order?—Because I saw these Volunteers, as I call them, a great many of them, with rifles, and as far as I knew these rifles might be loaded.

329. Now, having got your 50 men across the road, did you march up behind the police?—Not very close behind the police. No, I think I remained more or less where we got out of the train.

330. Tell us what you did?—We went across the road and waited.

331. Did you subsequently alter your position?—Yes, later.

332. What did you do next?—As soon as the Volunteers saw—I don't know whether it was the police or themselves they saw—but when they were about 150 yards away they turned off right-handed and went along a cross road.

333. To the Malahide Road?—Yes.

334. What did you do then?—Mr. Harrel had introduced himself to me in the meantime, and he came up, and was confused on the situation, and he decided that we should head the Volunteers off on the Malahide Road.

335. And you did that?—Yes.

336. Did you take your whole 100 men on to the Malahide Road or leave some behind?—I left one section of 25 men under an officer on the Howth Road.

337. And did you leave any at the Clontarf Crescent?—When I got near the Malahide Road I thought that I hadn't left enough men behind, and so I sent another section back there, and the position then was 50 men on each road.

338. And you were with the 50 men on the Malahide Road?—Yes.

339. When you came into the Malahide Road was the crowd of Volunteers considerable?—Yes, very considerable.

340. What number?—I put them down at 1,500, and I judged that seeing them wheel out of the Howth Road.

341. Did you come into conflict with the Volunteers in Malahide Road?—Yes, eventually.

342. Will you tell us how it happened?—When we reached the Malahide Road we saw the Volunteers advancing, and I suppose they must have been 150 yards away. Mr. Harrel took his police forward in front of me, I should have said 70 yards or so, and I formed my 50 men across the road, 70 yards behind the police. Mr. Harrel went out in front of the police, and as far as I could see held up his hand, and stopped the Volunteers. There seemed to be a discussion between Mr. Harrel and the Volunteer leader, and after that then seemed to me to be a scuffle between the police and the Volunteers, and I saw the police attempting to disarm these Volunteers. About that time I thought I should be getting closer to the police, so I began to move my men forward. Immediately I moved I heard a shot. I don't know where it came from, but I was told that one of my men had been hit on the leg and that another man had been grazed. I cannot quite say whether there was more than one shot. I rather think there must have been.

343. What did you do then in consequence of that?—About the same time I saw Mr. Harrel waving at me and I thought that he required assistance so I advanced my men right up to the police. At that time the Volunteers were drawn across the road very close to my men and the next thing I remember was some Volunteers attacking some of my men with their rifles clubbed, and in that scuffle which took place certainly one Volunteer if not more received bayonet wounds.

344. There was a personal conflict between your men and the Volunteers?—Yes.

345. And you saw the Volunteers clashing their rifles and using them?—Yes.

346. How long did that scuffle last?—A very short time; I should say about half a minute.

347. How did it end and what was the result?—The Volunteers then retired. They went further back still, and I continued with my men drawn across the road.

348. How long did you remain?—For quite a little time—for 10 or 15 minutes or more.

349. And all this time were you acting under the direction of Mr. Harrel?—He was there all the time.

350. After about 15 minutes did you withdraw your men back to the end of Malahide Road?—Yes, I think it must have been more than fifteen minutes. After the conflict between my men and the Volunteers, the Volunteers retired and Mr. Harrel went after them, and another interview took place between Mr. Harrel and the Volunteer leaders, and after some time Mr. Harrel came back to me, and I understood him to say that he thought that they might very soon lay down their arms. However, Mr. Harrel went back, and a con-

sultation was carried on, and presently it began to dawn on me that the Volunteers were dispersing.

351. And did you then withdraw your men from the position they were in?—Not until Mr. Harrel came back to me.

352. Did you then join the other section which you left on the Howth Road?—They came to me.

353. Where did you line up your men?—When—finally?

354. Yes?—When we collected at the Crescent.

355. Did you telephone to the barracks?—Yes.

356. At what stage of the proceedings did you telephone to the barracks?—During the time of the conflict between my men and the Volunteers, and during the time that Mr. Harrel was negotiating with the Volunteer leaders.

357. Did you telephone yourself?—I could not go myself. I sent a policeman.

358. What did you telephone for?—I telephoned to the General for more troops. I didn't think the troops I had sufficient.

359. In consequence of that are you now aware that Major Coke was sent out at a later hour?—I don't know whether he was sent as a consequence of my message.

360. He came?—Yes.

361. When you had drawn all the men back to the end of the Crescent what time would that be about?—I should think perhaps about a quarter to five.

362. And then you marched towards Dublin in the direction of Fairview?—Yes.

363. When you arrived at Fairview was Major Coke there?—I met him before we arrived at Fairview.

364. On the road to Dublin, between Malahide and Fairview, you met Major Coke?—Yes.

365. With how many men?—I think it was 60.

366. On your way from the Malahide Road to where you met Major Coke did you receive any hostility, or was any hostility shown to you?—I was surrounded by a crowd all the time. They booed and hissed. There was no active hostility at that time.

367. Did the crowd throw missiles?—No.

368. When you got to Major Coke did you and he join forces?—Yes.

369. And did you remain at the place where you met him for some small time?—Yes, I did.

370. How long would you say you were there?—Major Coke sent me to the telephone when he met me, and I must have been there 10 minutes quite, and I think we were there for 20 minutes to half an hour.

371. Did Mr. Harrel come up to you while you were there?—Yes.

372. And did he tell you he did not require your services any further?—He did not say so to me, but I understood he said so to Major Coke later.

373. And did you and Major Coke proceed to bring back these men to barracks?—Yes.

374. What time would you say it was when you started to return from Fairview to the barracks?—It must have been twenty past five, I should say.

375. Now, I want you to describe to the Commissioners exactly what happened, or what was done in the course of your progress from Fairview to Arminia Street?—

376. The CHAIRMAN.—Are you going now to deal with the Bachelor's Walk incidents?

Mr. AHERNE.—I am going on the course home and giving evidence as to the disposition of the crowd towards the military the whole way.

377. The CHAIRMAN.—The incidents in Clontarf were then over?

Mr. AHERNE.—Yes.

The CHAIRMAN.—Then I think this would be a convenient time to adjourn.

The *Solemnizer-General*.—I don't know if it is your wish that Sir James Dougherty should be examined by me. He has no Counsel. I am not his Counsel, and I should wish that nothing I do should be taken as prejudicing any party, including Mr. Harrel.

378. The CHAIRMAN.—I should be very glad to put the few questions that should be required, but on the other hand we shall do nothing that would seem to limit the rights of the Bar. Perhaps you will be able to inform me in the morning what arrangements were made?

The *Solemnizer-General*.—Yes, my lord.

The Commission then adjourned till the following morning at 10.30.

ROYAL COMMISSION

INTO THE CIRCUMSTANCES CONNECTED WITH
GUN-RUNNING AT HOWTH, ON JULY 26TH, 1914

SECOND PUBLIC SITTING—SATURDAY, 8TH AUGUST, 1914

Present:—The Right Hon. Lord SHAW (Chairman); the Right Hon. Mr. Justice MOLONY; and the Right Hon. W. D. ANDREWS.

The Counsel engaged are:—

For the Corporation—SERGEANT SULLIVAN and Mr. P. O'C. WHITE (instructed by Mr. RICE, Law Agent).

For the Military Authorities—Mr. HANNA, K.C.; Mr. ATKINSON, K.C. (instructed by Messrs. BRADLEY and SOSES).

For Mr. HARKEL, Assistant Commissioner of Police—Mr. DENIS HENRY, K.C., and Mr. WYLLIE, K.C. (instructed by Messrs. CASEY, CLAY & COLLINS).

For the Executive Committee of the Irish National Volunteers—Mr. LYNCH, K.C., and Mr. C. S. POWERS (instructed by Mr. MICHAEL DAWSON).

For the next-of-kin of the three persons killed in Bachelor's Walk (Mrs. Mary Duffy, aged 50; Patrick Quinn, aged 45; and James Brennan, aged 18)—Mr. E. J. M'ELLAGOTT, K.C., and Mr. J. T. DONOVAN (instructed by Mr. JOHN M'DOWELL).

For persons wounded in Bachelor's Walk—Mr. JOSEPH O'CONNOR (instructed by Messrs. W. SMITH and SON).

For the Crown—The SOLICITOR-GENERAL and Mr. REARDEN (instructed by Sir MALACHI KELLY).

At the sitting of the Court on this morning the examination of Capt. Cobden, King's Own Scottish Borders, was resumed.

The CHAIRMAN—We are glad to see that the military authorities are represented. Who represents them?

Mr. HENRY, K.C.—Mr. HANNA.

Mr. HANNA, K.C.—I represent the military authorities.

The CHAIRMAN—Mr. HANNA, would you please look at the orders for the guidance of troops in affording aid to Civil Power in Ireland? If you will kindly look to Section IV. Section IV. says:—"When troops are called out in aid of the Civil Power the officer to whom application is made for assistance is immediately to report the fact by telegraph to the War Office, to the Major General in charge of Administration, Portlaoigh, Dublin, and to the Local Commander." Section V. says:—"A written report is also to be at once rendered to the Major-General in charge of Administration, enclosing the regulations of the Magistrate or other Civil Authority; a copy of this report to be sent to the Local Commander. This report should show the strength of the military force furnished and the nature of the service required of the force, and should give accurate details in regard to any action which has been taken, and the circumstances in which such action became necessary." Now, what I wish to know is, and the Commissioners desire to be informed whether, in the terms of Section IV, a telegram was sent to the War Office?

Mr. HENRY, K.C.—I could not answer that question at the moment, my lord.

The CHAIRMAN—Which of the military gentlemen will answer it? Will the gentleman in the box answer it?

Mr. HANNA, K.C.—I think General Colthart would be the officer who would answer it.

The CHAIRMAN—Then let General Colthart be sent for.

Mr. HENRY, K.C.—That will be done, my lord.

The CHAIRMAN—Was a written report sent to the Major-General—are you able to answer that?

Mr. HANNA, K.C.—I am not able to answer that; but I will get an answer, of course.

The CHAIRMAN—Will you communicate with General Colthart to say that the Commissioners desire a copy of the report sent to the local commander, or in the gentleman on the stand able to answer that question?

Mr. HANNA, K.C.—No, my lord, I don't think so. Major Cole informs me that General Colthart is the local commander in this case, and we shall have him here, and possibly that might dispense with him sending the report.

The CHAIRMAN—That is not what we want.

Mr. HANNA, K.C.—I quite appreciate that. I shall have General Colthart here.

Mr. ANDREWS—Let him have all his papers here.

The CHAIRMAN—Up to this point we have found all the departments most willing to furnish us with all the necessary documents for this inquiry, and we have no doubt that that example will be followed in compliance with the request now made. I think learned Counsel had agreed with regard to certain matters as to the evidence.

Mr. ATKINSON, K.C.—I was bringing this witness yesterday up to the point at Fairview where he joined Major Cole at 20 minutes past five on his return journey.

Q70. You joined Major Cole at Fairview about 5.30 with your 130 men.

The WITNESS—Yes; I did.

Q80. He then assumed entire command of the entire body of military?—Yes.

Q81. And you were his subordinate on the return march to Dublin?—Yes.

Q82. After you left Fairview did you encounter a hostile crowd?—Yes.

Q83. Where?—Well, the crowd began to be hostile as we left.

Q84. As you left Fairview?—Yes.

Q85. Were they a large crowd?—Yes.

Q86. Have you any idea of their numbers?—No, I have not, but the whole road was packed with people at Fairview.

387. And that is a good broad thoroughfare?—Yes.

388. Was the crowd on your rear or flank?—When we started they were all round us, and they followed us when we got through them.

389. Did they persistently follow you the entire way?—Yes, the entire way.

390. Did the crowd increase in numbers as you were marching along?—Yes; and I should say about Amiens Street it increased very much.

391. As you passed along did the crowd assail you?—Yes.

392. With what?—With stones, bottles, and various other missiles.

393. What was the character of the missiles thrown?—I should say chiefly stones.

Mr. ANDREWS.—Have you any idea of the size of the stones?

394. Mr. ANDREWS, K.C.—What size were the stones, Captain Cobden?—The ordinary road macadam. There were a great many pieces of larger size—namely, half-bricks and pieces of granite. It looked like a particular lot which I have in my hand.

395. Were some of them very heavy?—Yes, particularly heavy.

396. Were the stones thrown in large quantities?—Yes.

397. A fusillade of stones?—Yes, a regular fusillade of stones.

398. Mr. Justice MOORE.—Where did they begin?—They began to throw the stones as we left from Finsbury.

399. Mr. ANDREWS, K.C.—And they continued to throw them all the way down the Clarendon Road to Amiens Street?—Yes.

400. Were the crowd closing on your men?—They kept at a distance of about, I should say, 30 yards or so, or more, until we got to near Amiens Street, and from there onwards they began to close on us.

401. Is it the Amiens Street Station you mean when you say Amiens Street?—Yes, Amiens Street Station.

402. From the time you started and passing Amiens Street Station the crowd persistently attacked you with stones and bricks?—Certainly.

403. Did you take any measures on the orders of Major Coke?—Yes, measures were taken by order of Major Coke to repel the attacks of the crowd.

404. What was done?—Sections were lined across the road and charged in the direction of the crowd with the idea of frightening them off.

405. Nobody was touched?—Not that I know of, until later on.

406. Sections of the column charged back towards the crowd with the view of frightening them?—Yes.

407. Mr. Justice MOORE.—Where did they first do this?—I don't know the name of the street, but it was where a great many streets meet and cross beyond the Amiens Street Station.

408. Mr. ANDREWS, K.C.—That is Seville Place, approximately, on the map?—Yes, I would think so.

409. Was that an absolutely necessary precaution for the military to have taken?—Yes, in my opinion.

410. Was the position of the military then in grave danger?—Yes, I think so. They were pelted with stones, and some of them were hit and hurt.

411. The CHAIRMAN.—What is your last observation?—The men were being hit and hurt.

412. Mr. ANDREWS, K.C.—Were you hit yourself?—Yes.

413. On your progress through Clarendon Road can you give us an estimate of the men hit and hurt from Finsbury to Amiens Street?—Not accurately; but I saw three or four hit myself; and I should say there were many more than that. There must have been 20 or 30 hit.

414. Were any of your men incapacitated?—Yes.

415. And they had to be helped and assisted?—Yes; certainly one was.

416. Was his name Lance-Corporal Pike?—Yes.

417. Where was he hit?—He was hit on the Clarendon Road where there is a loop line of railway—on the Clarendon side of that very shortly after we left Finsbury.

418. You then took charge of his life after he was rendered incapable of carrying it?—Yes; he was incapable all the way until Bachelor's Walk was reached.

Mr. ANDREWS.—How was he disabled?

Mr. ANDREWS, K.C.—Tell us in what respect he was disabled?—He was hit on the back of the neck by a very large stone. I suppose it must have been that size (Witness gave a demonstration with his hands as to the size of the stone). I think it was granite but he was struck on the back of the neck with that stone.

419. Mr. ANDREWS, K.C.—Through Amiens Street the crowd increased considerably?—It appeared to me to increase at Amiens Street.

420. In your passage down Talbot Street and North Earl Street was the crowd very hostile?—Yes; very hostile.

421. On to Talbot Street and North Earl Street a lot of side streets converge?—Talbot Street is the street from Amiens Street Station to the Pillar.

422. Of the two streets—Talbot Street and North Earl Street—are not there a number of side streets?—Yes, a great many side streets.

423. Were you attacked from the side streets?—Yes; I should say the men were.

424. What did the crowd do on your passage?—how were you treated by the crowd, I mean?—We were subjected to a fusillade of stones all the time.

425. Were the crowd hissing and booing?—They were hissing and booing.

426. Did you react to these bayonet charges or feints?—Yes.

427. Repeatedly, going down Talbot Street?—Yes.

428. During that time were stones freely thrown?—Certainly, very freely.

429. Between Amiens Street and Sackville Street were many of your men hit or injured?—I cannot personally remember seeing anybody badly injured at that particular point.

430. But there was a continuous fusillade of stones?—Certainly.

431. And the crowd was larger in numbers?—Yes.

432. And you were attacked from these side streets?—Yes.

433. Were the people who were attacking you from the side streets attacking you with stones, or what class of missile were they throwing?—I think that the people from the side streets attacked the head of the column more than the rear where I was.

434. You were in the rear?—I was in the rear.

435. When you got into Sackville Street, was the crowd quite large there?—Yes.

436. Did it increase?—Yes, I think it increased.

437. When you got into Sackville Street from Earl Street did you receive more hostility?—Yes; there was a much worse attack.

438. What did the crowd do in Sackville Street?—The crowd tried to close in upon us in Sackville Street.

439. They tried to close with your ranks?—Yes.

440. That was in Sackville Street—what about Abbey Street?—The Abbey Street crowd came right into collision with the troops, so much so that one soldier or two were knocked on the ground.

441. And injured?—Yes.

The CHAIRMAN.—What happened?

Mr. ANDREWS, K.C.—This is Middle Abbey Street.

The WITNESS.—I could not say, but it was Abbey Street.

442. You were marching down on the left side of Sackville Street?—Yes.

It is on the left-hand and opposite the Post Office?—Sergeant Giffman.—It is the Highman Bank corner.

443. Mr. ANDREWS.—How many men did you see were knocked on the ground?—One or two.

444. Mr. ANDREWS.—At that point at least two of your men were knocked down?—Yes.

445. What knocked them down?—The crowd closing upon them knocked them down.

446. Were they incapacitated?—They were rescued.

447. Did the crowd get hold of them?—They must have got hold of them when they knocked them down.

448. Did you come to the rescue of these men?—I don't think I did at that point.

449. But the crowd was very fierce in Sackville Street?—Yes, very fierce indeed.

449. And besides having the crowd closing in on your ranks were stones and missiles still being thrown?—Yes.

450. Would you say that the volume of missiles thrown in Sackville Street was greater than in the earlier part of your journey?—Yes. I think the stone-throwing increased all the time.

451. And the crowd increased?—Yes.

452. At Backville Street I think you were met by Major Cole?—No, Major Eilig.

453. He is the senior major of the regiment?—Yes.

454. And he then assumed the command of the entire body of the 150 men?—Yes.

455. Having got down Sackville Street did you march as quickly as you could?—Yes; after the conflict at Clergy's corner, Major Haig decided to try to march away if he could.

456. From the crowd?—Yes; when he got clear of them.

457. Did the crowd pursue you?—Yes.

458. What did you do?—We turned up into four, and remained in four until we got into Bachelor's Walk.

459. That is in wheeling round from Carlisle Bridge into Bachelor's Walk?—Yes.

460. When you were crossing Carlisle Bridge did the crowd still follow you over?—We never crossed the bridge.

461. Did the crowd cross the bridge after you?—We did not cross the bridge. We marched into Bachelor's Walk.

462. I mean when you were passing the end of the bridge did the crowd follow you in that movement?—Yes; the crowd followed as in that movement.

463. Did they pursue you in your course down Bachelor's Walk?—Yes; and as we got into Bachelor's Walk the stone-throwing became more severe.

464. More severe, you say?—Yes; at the point that we attempted to get into Bachelor's Walk.

465. Did the dimensions of the crowd then increase?—Yes; and I should say it certainly grew very much bolder and came very very much closer to the men.

466. Is Bachelor's Walk a narrow street in comparison with Sackville Street?—Yes, very narrow.

THE CHAIRMAN.—Yes, we know; the Commissioners have visited it.

MR. ATKINSON, K.C.—Will you tell my lords in the course of your journey down Bachelor's Walk how the crowd pursued you, or what they did?

THE CHAIRMAN.—Mr. Atkinson, will this witness remain here for some time?

MR. ATKINSON, K.C.—I am certain he will, my lord. I don't know what you would say to accepting his evidence as given on deposition already at the inquest. If your Lordship would think that would do, the evidence could be read over.

THE CHAIRMAN.—We commented our views about that yesterday. Unless there was no distinct advance made, and the documents tendered represented the views of all parties with regard to evidence, we should be entitled to adopt nothing but the ordinary course. You will understand that.

MR. ATKINSON, K.C.—I quite appreciate what you say.

THE CHAIRMAN.—It has occurred to the Commissioners in consequence of what occurred yesterday, still pursuing the line which I shadowed in my opening observations, it would be desirable to keep the earlier portion of the inquiry to such scenes as happened before the Bachelor's Walk portion of the inquiry. The pre-Bachelor's Walk portion of the inquiry is another matter. We have communicated with Sir James Dougherty, and I observe he has been good enough, notwithstanding his duties at this time to attend here. What would the Bar think of his being examined at this stage?

MR. ATKINSON, K.C.—Of course, we do not object.

THE CHAIRMAN.—Well, then, if you take the evidence of Sir James Dougherty—

THE SOLICITOR-GENERAL.—With your permission I will examine Sir James Dougherty. He has given me a proof of what he desires to say.

SIR JAMES DOUGHERTY then entered the witness stand. He was examined by the Solicitor-General (Mr. James O'Connor, K.C.).

467. As we know, you are Under Secretary for Ireland?—Yes.

468. In the absence of the Chief Secretary you are at the head of the Government in Ireland?—Yes, but subject to the Lord Lieutenant, of course.

469. In the absence of the Chief Secretary and subject to the Lord Lieutenant you are at the head of the Executive Government of Ireland?—That is so.

470. On this occasion that we are discussing the Chief Secretary was absent from Ireland?—Yes.

471. You drew a distinction between these episodes on the particular Sunday?—Yes.

472. The first in the occasion of the actual gun-lending at Howth?—Yes; when the Royal Irish Constabulary were concerned.

473. The second occurrence was at Fancree?—Yes; where the Dublin Metropolitan Police were concerned.

474. And the third?—The occurrence at Bachelor's Walk.

475. Only soldiers were concerned in that?—Yes.

476. Now, I believe you got a telephone message on this Sunday, the 26th July, from Mr. Harrel?—I did.

477. What hour was that as well as you can fix it?—About 2 o'clock, but I see Mr. Harrel in his evidence yesterday said 1.30. I do not want to contradict him.

478. You were then in the Vice-Regal Lodge?—No; in the Under-Secretary's Lodge.

479. At that time did you know or were you informed where Mr. Harrel was?—No; as a matter of fact I thought he was telephoning to the Castle Yard.

480. Tell their lordships what was the message you got by the telephone from him?—Well, I cannot give the spontaneous words, but in terms he said he had received a message from the Constabulary at Howth that gun-tinting had taken or was taking place, that a large crowd had assembled, and the Constabulary were powerless, and he added that his assistance was asked for by the County Inspector. I thought his assistance was asked by the County Inspector, and it was time to send men to Howth to reinforce the Constabulary. I told him he ought to communicate with the Deputy Inspector-General, Mr. O'Donnell, and with the Officers of Companies at Kingstown. He said that he had already done so. I asked him if the men he was sending to Howth to assist the Constabulary were armed—a rather unnecessary question, perhaps, as the Dublin Metropolitan Police are not armed, while the Royal Irish Constabulary are armed.

481. THE CHAIRMAN.—Sir James, perhaps I might ask you when he said he was about to send men you understood that the men proposed to be sent by him were the Dublin Metropolitan Police?—Certainly; there were no others he could send.

THE SOLICITOR-GENERAL.—What did you say next?—

482. THE CHAIRMAN.—What is his reply to the question as to their being armed?—The telephone at that moment became rather indistinct, and I said I would go down at once to the Castle—probably the indistinctness which I suffered from accounted for what Mr. Harrel stated yesterday.

483. That he did not remember such a message being given?—He did not remember my message reaching him.

484. But you are perfectly distinct about having sent that message?—Yes.

485. And you were discussing the question of gun-lending at Howth?—There was no other question.

486. Was anything said about consulting the military?—No.

487. Or calling out the troops?—No.

488. Or having them in readiness?—Never.

489. Or did you hear anything about the calling out of the military until very much later that day?—No.

490. Did you then proceed to the Castle?—The Under-Secretary's Lodge is about three miles—I am not sure of the exact distance—from the Castle, and of course some delay took place in getting out my carriage and in getting out my car, which had been put up for the day, but so time was lost, and I left my lodge not later than 2.30.

491. THE CHAIRMAN.—And you proceeded to the Castle?—I proceeded straight to the Castle, where I arrived between 2.50 and 3.00.

492. THE SOLICITOR-GENERAL.—And you reached your office there?—I went into my office, of course.

493. What did you do then?—I went at once for the Deputy Inspector-General, who, I understood, was in the Constabulary Office, Sir Neville Chamberlain not having come in on Sunday. I sent for Mr. Harrel. I was anxious to know what arrangements the Royal Irish Constabulary and the Dublin Metropolitan

Police were concerting to deal with the situation at Howth?

494. Did Mr. O'Connell come to you?—Yes, almost immediately.

495. And you had a conversation with him?—Yes, I had a conversation with him.

496. Did Mr. O'Connell tell you he had received a telephone message about Volunteers?—Mr. O'Connell told me what he was doing. He had ordered men from the Depot to reinforce his men at Howth; and they were proceeding to Amiens Street to take the train for Howth; but he told me he had just received a telegram to the effect that a body of Volunteers had left Howth carrying the arms which had been landed, and had got as far as Sutton—a village about a mile from Howth or perhaps rather more.

497. This is on the direct road to Dublin?—About eight miles from Dublin, but on the direct road to Dublin.

498. Did that create in your mind a new situation—the Volunteers actually carrying guns and ammunition which had been landed?—Yes, of course, it did. I saw a legal question would arise under the altered circumstances, and the new situation which had arisen.

499. In other cases of gun-loading they were taken away by motor cars and other vehicles?—Yes, that is so; and I thought that precedent would be followed in Howth.

500. You thought the usual process would be followed in Howth?—Yes, and I believe it was followed because I understood motor cars were there and carried away guns.

501. This created a new situation, because a number of the Volunteers were carrying arms in their hands?—Yes.

502. You inquired then about the Law Officers?—I felt at once the necessity of legal advice, and I asked for the Attorney-General. I know now he was in Cork. Therefore he was not in town.

503. He was away on public business prosecuting in Cork?—Yes; I found he was returning from Cork after prosecuting in a murder trial, and he was not to be in Dublin until that evening, and as a second resource I thought of the Solicitor-General.

504. I believe that hard working official was in Malahide?—Yes, he was in Malahide. I asked if there was a telephone, and I was told "no," and I asked if a message could be got through to him. I was told then in the office that an attempt to get a message through to him had failed.

505. And as a third resource whom did you think of?—I went then to the highest judicial authority in the Government, namely, the Lord Chancellor.

506. When you thought of the Lord Chancellor, what did you do?—The Lord Chancellor was in Dundrum, and I proceeded to telephone him there.

507. I believe you had some difficulty with regard to some telephones in the office?—Yes, because it was Sunday, and there was a great difficulty about telephoning. I could not telephone from my own room, the proper connection not having been made. I had to go to the entrance hall, where there was a telephone which would put me in communication with the Lord Chancellor, and I telephoned from there.

508. You did all this with as much despatch as you could?—It is hardly necessary to answer that. The office was not in working order, and there was only one messenger there, in addition to the resident messenger, and there was only one very junior second division juvenile clerk. The telephone was not working between my room and the other offices.

509. Of course, nothing of this kind had been expected?—Of course not.

510. Did you consult with the Lord Chancellor on the telephone?—I did.

511. Did you tell him first what had happened?—I told him what had happened.

512. The landing of arms and the marching of men to Dublin with them?—Yes; and I mentioned Howth.

513. Did he give you his views on the subject?—He gave me his views, which was strongly adverse to any attempt to seize arms or to interfere with the men marching into Dublin.

514. Do you agree with him?—Entirely.

515. As a matter of fact before you had consulted him was that the opinion you had formed in your mind?—It was.

516. That it would not be very discreet to seize

arms or interfere with those men carrying them towards the City?—That is so.

517. In the course of that telephone message did the Lord Chancellor suggest that it might be advisable for him to come into the Castle?—The telephone was not very distinct for one reason or another; and it is not very easy to discuss important questions on the telephone; and the Lord Chancellor very kindly said he would come in to see me.

518. The Chairman.—To the Castle?—Yes.

519. From Dandrum?—Yes.

520. The Solicitor-General.—That is about 8 miles or a little more, as he said, to the Castle.

521. The Chairman.—That is what he did say, and very kindly he did say it before there was any question of distance.

522. The Solicitor-General.—You had this conversation while you were at the entrance hall in the Castle?—Yes, I was in the entrance hall while telephoning to the Lord Chancellor.

523. Before you returned from your room did you get a message?—After returning to my room and after telephoning to the Lord Chancellor, Superintendent Lowe came to me and conveyed a message from Mr. Harrel.

524. The Chairman.—To the best of your judgment give the exact hour of that message?—I should say about 3.45.

525. What was the effect of the message from Mr. Harrel?—The effect of it was that Mr. Harrel was sorry he could not wait as he had an engagement with General Cuthbert.

526. Did you then leave from the Superintendent or from anybody else if Mr. Harrel was at the Kildare Street Club?—I think I asked the Superintendent where Mr. Harrel was, but I think it might be that he volunteered the information; but I won't positively say.

527. Did he tell you he was in the Kildare Street Club?—I learned that General Cuthbert and Mr. Harrel were at the Kildare Street Club.

528. Did you then go back to the telephone in the Hall?—At once.

529. You called up Kildare Street Club?—Yes.

530. And did you ask whether Mr. Harrel and General Cuthbert were in the Club?—I did.

531. What answer did you get to that message?—After a short time, which I suppose was spent by the attendant at the telephone in endeavoring to find out where—

532. The Solicitor-General.—Previously I presume he had left the telephone?—Yes; he had left the telephone.

533. And after a little time he came back again?—Yes.

534. And when he came back again what did he tell you?—He told me that Mr. Harrel and General Cuthbert had just left the club.

535. What hour did the Lord Chancellor arrive?—About 3.55.

536. The Chairman.—He did not say where they had gone?—No, my Lord.

537. So you had no means of finding out that?—No, my Lord.

538. So you had no means of finding out that?—That is so.

539. So far as communicating with these gentlemen was concerned?—That is so.

540. The Solicitor-General.—The Lord Chancellor, you say, arrived about 3.55?—Yes.

541. Did you, he, and the Deputy Inspector-General have a conference?—We had a tolerably lengthened conference and discussion.

542. And were you at this time expecting that Mr. Harrel was coming to your office?—Certainly.

543. At 3.45, he not having arrived, did you telephone Superintendent Lowe?—I did.

544. Superintendent Lowe would be in the office of the D.M.P. in the Lower Castle Yard?—Yes.

545. That is about a couple of minutes walk from your office?—I never walked it against time.

546. I suppose it would depend upon the walker?—It is a very short distance.

547. What message did you send to Superintendent Lowe?—The message which I sent to Superintendent Lowe was, "have you heard from the Assistant Commissioner, or is there any means of communicating with him."

548. What answer did he give you?—Superintendent Lowe's reply to me was—"Have just heard from him."

547. "His" means the Assistant Commissioner, of course?—Yes; and that seven or eight hundred men are marching on the other side of Rabney. I don't know where he telephoned from.

548. That is, Superintendent Lowe did not know where Mr. Harrel telephoned from?—Yes, but he said he was coming back.

549. That is what Mr. Harrel said?—Yes.

550. Did you understand that to mean that he was coming back to the Castle?—I did. Might I explain? The Chairman.—Yes, decidedly.

The Witness.—What seems to have happened was this: Mr. Harrel had motored down the Howth Road some distance beyond the city boundary—perhaps as far as Raheny—of course I do not know—and when he said he was coming back he meant that he was returning to his own parsonage within the city boundary, where he had assembled his forces.

551. Of course, you knew nothing about that at the time?—I knew nothing about that at the time, and I naturally interpreted that he was coming back to me at the Castle.

552. Had you become anxious about his non-appearance?—As time went on, of course, I became very anxious.

553. After some time did you conceive the design of going out yourself in pursuit of him?—The case seemed to me to be so urgent that I did suggest to the Lord Chancellor, who was in my room, that perhaps I ought to go in pursuit of the Assistant Commissioner. The advice I got was to abandon that idea on the ground that we had no knowledge of the whereabouts of Mr. Harrel.

554. The Chairman.—When seeking him did you consider yourself to be in the position that had you gone seeking him you would then be away from the Castle and could not fulfil the promise of meeting him if he came to seek you?—That was the very important suggestion that came to my mind. The other was a suggestion thrown out on the spur of the moment.

And the Under Secretary appearing on a scene of that kind and on an occasion like that would not be very desirable I should think?

555. Had you at the time the slightest idea that the military would be called out?—None.

556. Or that they had been called out?—None.

557. As a matter of discretion have you been opposed to calling out the military?—Well, my opinion on the subject of calling out the military to aid the police in street rows, is pretty well known, I think. We have had a good many labour disputes in the City of Dublin, and I have incurred some odium because I set my face against employing the military unless the case was one of overwhelming necessity. In taking that position I had the sympathy and support of high military authorities—the present Commander-in-Chief of the Forces in Ireland, and his predecessor, General Lytton.

558. And on this occasion would you have contemplated the calling out of the military?—Certainly not.

559. Or contemplated any attempt to interfere with the Volunteers marching as they were?—No; because I thought it would be extremely foolish to do such a thing.

560. Well, about four o'clock, did the Lord Chancellor and yourself leave your office and go to the Dublin Metropolitan Police Office?—Yes: in the Lower Castle Yard.

561. Sir John Ross was not there when you arrived?—He was not.

562. But I believe he arrived a few minutes afterwards?—He had been in his office, and had gone out, but he came in almost immediately.

563. Did you enquire as to the whereabouts of Mr. Harrel?—Yes.

564. Could you get any information on the matter?—Sir John Ross could give us no definite information on the matter, but he said that there was a rumour that there had been a scuffle and that two soldiers had been shot. I think he mentioned the name of a man named Dollard as the person who had given him that story; but it was unconfirmed. That was the first information that I received from any quarter that the soldiers had been called out and were assisting the police.

565. Did you thereupon return to your own room?—Yes.

566. And did you prepare a minute?—I prepared the minute which was read yesterday.

567. The Chairman.—At what hour?—Immediately after returning from Sir John Ross's office.

568. Who was it addressed to?—It was addressed to the Assistant Commissioner, but Sir John Ross opened the envelope, I believe, and despatched it by a messenger on a bicycle to Mr. Harrel.

569. The Solicitor-General.—The day that you wrote that minute was the 26th July, and the date upon the minute is the 27th July—explain how that mistake arose?—The attendant in the office had fixed the date on the indicator as the 27th, and when I looked up the 27th caught my eye, and without thinking I appended that date. But there is no question about it. I should like to say another word if I may. It has been suggested by some newspaper critics, who seem to have a very low opinion of the honour of Government servants, that this was a faked document, intended to save the skin of the Under-Secretary. My skin was not at all in question. When the minute was written it was impossible to say what had occurred, and it was written on the off chance of finding the Assistant Commissioner. But, as is obvious on the face of it, it was also intended to be a record of the views of the Executive Government and of the instructions which I would have given if I had had the opportunity.

570. On Mr. Harrel's return to the Castle, did he and Sir John Ross come to your room?—Yes.

571. And Mr. Harrel reported the events of the afternoon?—Yes.

572. And it was then that the Superintendent reported the unfortunate incident at Bachelors' Walk?—Yes.

573. What hour was that?—This was after everything was over—about 8 o'clock, or a little after. As a matter of fact, with regard to the incident at Fawcett, do you think that Mr. Harrel exercised a wise discretion in allowing the Volunteers to melt away with the arms?

The Chairman.—I feel afraid we cannot allow that. That is for us.

The Solicitor-General.—It is quite clear that it was not with an unfavourable intention towards Mr. Harrel that the question was asked.

574. Mr. Harrel.—With reference to the communication to Mr. Harrel of your intention to come in to the Castle, I gather from you—while I entirely accept your statement—that owing to the condition of the telephone that it was quite possible Mr. Harrel did not quite catch what you were saying in reference to that matter?—That is quite possible.

575. You are aware that Mr. Harrel has said that he tried to get into communication with the Chief Secretary's Office before he left for Clontarf?—Yes.

576. I think you said the telephones in the office were inadequately served that day?—That is so.

577. There is just one question to a matter with reference to which there is some little conflict, that I would ask. It is with reference to Superintendent Lowe. Mr. Harrel said that Mr. Lowe was sent by him on his return from Kildare-street Club, and just as he was leaving for Clontarf, with a message to the Chief Secretary's Office?—I know nothing about that.

578. Did Superintendent Lowe convey to you that Mr. Harrel had started for Clontarf?—No.

579. And as I gather the impression left on your mind was that Mr. Harrel was, at that time, in the Kildare-street Club?—No. Just repeat your question.

580. I gather from you that after you saw Superintendent Lowe you were under the impression that Mr. Harrel was with General Cuthbert, at that moment, at the Kildare-street Club?—That is so.

581. Did you understand from Superintendent Lowe that he had been at the Castle, and had gone from the Castle to the Kildare-street Club?—I inferred that from what he said, but I don't know at this moment whether it is the case or not.

582. But that was what you inferred from what he said?—Yes; naturally, I had a delusion about enquiring into these matters too closely.

583. Did the Superintendent ever state to you that actually at that moment Mr. Harrel was at the Club?—He said to me that he had gone to the Kildare-street Club.

584. Did he say that Mr. Harrel had left the Castle, and had gone towards Clarendon?—No.

585. And the only point of time, according to your recollection, that the Superintendent carried the matter up to, was to the firm of Mr. Harrel's departure for the Kildare Street Club?—That is so.

586. And not further; and that he was keeping an engagement with General Outhbert?—I believe these were the words.

587. The only controversy really is with reference to the point of time at which Superintendent Lowe was sent. I have the Superintendent here. You say you only saw him once?—Only once, so far as I can remember.

588. Can you change your memory—was it in the entrance hall you saw him?—It was either in the entrance hall, or at the door of the entrance hall.

589. Could it be possible that you saw him twice?—It is possible; but I don't recollect it.

The CHAIRMAN.—Is there any other question?

Sergeant Seddons.—No other question.

The CHAIRMAN (to Sir James Dougherty).—May I read the minute in your presence?

As regards the steps which you have taken on your own responsibility to deal with the arms landed at Howth this morning His Excellency is advised that forcible disarmament of the men now marching into Dublin with these arms should not be attempted; but the names of the men carrying the arms should be taken and watch should be kept to ascertain the destination of the same illegally imported.

590. I understand, Sir James, that so far as the attitude of the Government was concerned with reference to this importation, this minute was put on record by you after taking the highest legal advice obtainable in Ireland, namely, from the Lord Chancellor?—That is so.

591. Does that accord with what you consider the good sense of the situation, apart from the law?—Certainly.

592. You are aware, generally, Sir James, of the extreme anxiety to avoid the importation of the military wherever it could be avoided?—Yes.

593. How long have you held your present post?—For six years; and before that for thirteen years I was Assistant Under-Secretary.

594. In the course of that time have you had frequent occasions to consider the question of the responsibility of the authorities in reference to trouble in the street, yes?

595. May I ask you whether the advice which is here recorded is in accord with the principle upon which you have acted during your term of office?—That is so.

596. You alluded to the comments made upon this minute as if it was an *ex post facto* minute?—I did.

597. Have the Commissioners rightly concluded that this minute was framed instantly that you were opposed the military were called out?—That is so.

598. I think we are right in asking you this question—Suppose these men had been allowed, having become possessed of their rifles, to come along on this Sunday, have you, with your wide knowledge, not only of Dublin, but of Ireland in general, any reason to think that riot or disturbance would have ensued?—I should like to say in answer that it is very difficult to anticipate matters in reference to that.

599. Do we understand you to say that you personally were alarmed because these men were coming into Dublin?—Yes; I was alarmed as to what the consequences might be.

600. In regard to that do you think the presence of the military?

Sir James Dougherty.—I thought you were referring to the alarm that might be created by the presence of an armed force.

601. The CHAIRMAN.—That is just what I was coming to. Let us pursue our steps. I am assuming that the policy of your minute had been carried out, and that the military had not been employed or brought on the scene, would you, with your knowledge of Dublin, have anticipated any riot or disturbance by the Volunteers coming into the City?—Certainly not by the Volunteers themselves.

The CHAIRMAN.—I think I know the various elements. I shall put them to you in succession.

It is right that we should have the advantage of the views of the Executive at this part of the inquiry. You are aware, aren't you, that the introduction of the military element into a dispute of that kind, instead of settling is sometimes apt to provoke disturbances?—Yes.

602. In the legal authorities and in treatises dealing with this subject that element is kept in view, and, in fact, you kept it in view?—That is so.

603. And is that one of the things which goes to the formation of your judgment in favour of avoiding military intervention?—That is so.

604. We must frankly ask you whether, in your judgment, knowing that these Irish Volunteers were marching into Dublin, you could in any sense have treated them as if it was a case of a hostile force marching against the city?—Certainly not.

605. It has been suggested by questions put by learned Counsel that if the force and marched in, nothing more being done, than what is recommended by your minute, the force would have been rather welcomed than otherwise in the city?—That is quite possible.

606. At all events, you adhere to your opinion that the idea of the force, not interfered with by the military, being resented by the population, or producing riot in Dublin, is preposterous?—It might have been resented by a section of the population, but that section is not one to be found in the streets.

607. Your desire for uniform is most admirable, but I want you to distinguish between the elements. The elements that I am putting to you are—the entry of the Volunteers without any military being there at all—would you, as a man of affairs and experience, ever have dreamed that their coming into Dublin with their arms would provoke riot?—No; I would not.

608. You are acquainted with the condition of Ireland?—I am.

609. Do you think that any man acquainted with the condition of Ireland would have associated this getting of arms and the march of the men into Dublin with anything like producing insurrection or terror in the minds of the people, or provoking riot?—You don't think any reasonable man would have thought it?—I don't think so, but we have a great many unreasonable men about.

610. There again your candour prevents you from giving me a straight answer. My question was the average reasonable man?—The average reasonable man could not have thought it.

611. And I gather that it is much more the case in regard to any man having control of affairs in Dublin and acquainted with the usages of the place?—Yes.

612. I now ask you, Sir James, whether when this minute was written you were aware that it must necessarily be futile, or whether you thought it would be as well to write it and send it, with the chance it might have of at least stopping what was going on?—I thought there was an off chance that it would reach the Assistant Commissioner before anything serious had occurred.

613. When you wrote that minute were you aware that Mr. Harrel had been in Dublin Castle that afternoon?—I was not aware of that until I read the evidence that was given here yesterday.

614. Mr. Harrel said to us that he endeavoured to communicate with you across the Castle Yard by telephone. Is it a fact that at the time he was speaking of, you were at one end of the yard and he at the other?—I suppose the distance is not more than two minutes' walk.

615. Can you give any reason why in this matter he could not have come to see you?—No.

616. If you had known that he was there would you have gone to see him?—Certainly.

617. I think it is right to Mr. Harrel that I should ask you this question. You did learn that he had gone to meet General Outhbert at the Kildare Street Club?—Yes.

618. Did you associate that information with the idea that he had gone to meet General Outhbert on military affairs connected with the occurrence at Howth?—I think it was possible. But I should distinguish between having a conference with a military officer to have troops in readiness in view of a possible riot, and a calling out of the troops; and I wish to say this, that I have never known in any experience troops to be called out without reference to the higher civil authorities, and without

reference by the officer in command of the troops to his military authorities.

619. Did that information induce you still more to try to get into communication with Mr. Harrel?—Certainly.

620. I understand your state of anxiety was such that you would have run him down yourself?—I entertained that idea for a minute or two.

621. Reflecting upon the transaction, Sir James, you realise that it was full of mischance and failure of persons to meet each other, but so far as your own personal conduct was concerned, do you see now anything else that could have been done than the various steps and measures which you took?—No, nothing. I have nothing to reproach myself with.

The Right Hon. the LORD CHANCELLOR (continued).

624. The CHAIRMAN.—You have been so kind, my Lord Chancellor, as to attend here in consequence of a communication from me as Chairman of the Commission?—Yes, my lord.

625. You have heard Sir James Dougherty's evidence?—Yes.

626. And you have heard his account of his attempt to get into communication on this Sunday with the Law Officers?—Yes.

627. And telling them he troubled you?—Yes.

628. I understand it to be correct that you proceeded from Dendrum to the Castle?—That is so.

629. I take it that your anxiety was to render any assistance in your power in the preservation of order?—That is so.

630. We have learned that at 4 o'clock or thereabouts, my Lord Chancellor, information was received by Sir James Dougherty and yourself that troops had been employed?—That is quite accurate. Sir James was most anxious to get into touch with Mr. Harrel, and he said: "I will go over to his office, will you come with me?" I went over, and Sir John Ross said he had heard, but it was only a rumour, from Mr. Dollar, that there had been a collision of some kind between the Volunteers and the military. That was the first occasion on which either Sir James Dougherty or myself heard that the military were there, and immediately on obtaining that information that minute was framed. We went back to the Under Secretary's room. It was not instantaneously, but hardly any time elapsed before Sir James wrote that—

631. Speaking as one who has acquaintance with Irish affairs, both as a Law Officer and as a Judge, you are of opinion that the scene sketched in this minute would have been that dictated not only by law but by good sense?—That is my distinct opinion, and it represents in a summarised form the opinion I had already given Sir James over the telephone. Of course it is in a more official form. As Sir James said, I had telephoned to him that the Volunteers should not be stopped. He asked my opinion.

632. One should not probably attach too much weight to paragraphs in the public prints, or even to observations in Parliament?—I have read none of them, curious to say. It is a habit I have. I don't read any of them.

633. The CHAIRMAN.—I am so glad. The matter, however, was introduced by Sir James Dougherty, and I must put it to you. Is there any foundation for the idea that this minute was drawn up in order to shelter or save the skin of anyone?—None, whatsoever.

The CHAIRMAN.—May I express our thanks to you, my Lord Chancellor?—

The Lord Chancellor.—Thank you, my lord.

The Solicitor-General.—May I take the liberty of suggesting a question to Mr. Harrel, standing out of Sir James Dougherty's evidence. It arises in reference to the incident of the Kildare Street Club. This is what Mr. Harrel said:—"Before I left (that is the Kildare Street Club) I got a message from the waiter that Sir James Dougherty wanted to speak to me on the 'phone." Now, your lordship will remember that Sir James Dougherty got a message from the attendant that they had already left. The question that I respectfully suggest is that Mr. Harrel might be asked what answer he directed the attendant to give Sir James Dougherty. It merely arises in view of Sir James Dougherty's evidence to-day.

622. Suppose you have been aware that Mr. Harrel was at the other end of the yard and you could not have got the telephone to work to him, may I take it that you would have stepped across the yard to see him at once?—Yes; I would not have stood on ceremony. I would have gone to see him at once.

623. But, of course, not being aware of his presence there that step was not taken?—Quite so.

The CHAIRMAN.—The Lord Chancellor of Ireland has been so kind as to come here to-day, and there is only one question to ask his lordship, and if the gentlemen of the Bar would not think it was invading their privilege, might I be permitted to put to this learned Judge one question which appears to me to be of any value in this inquiry.

Mr. Harrel.—Certainly, my lord.

The CHAIRMAN.—The Commissioners think it is against the general practice to put witnesses in to clear up individual points of that kind. They prefer to have it on the record as it is, but in this case, if Mr. Harrel desires to make any explanation upon the point that you mention, the Commissioners would not forbid him to make that explanation. If he does not the matter will stand on the record.

(To Mr. Harrel).—Have you any wish to make an explanation?—

Mr. Harrel.—Well, I really have no explanation to give. I have no recollection at all of telling the waiter to say anything to Sir James.

634. Mr. Justice MOLLOY.—All the waiter said was that you had just left?—Well, of course I may say that as regards this visit to the Kildare Street Club, and to the evidence of Sir James, I, of course, am perfectly satisfied that there must be some great misunderstanding, and Superintendent Lowe, who was mentioned by Sir James as having told him that I was going to the Kildare Street Club to keep an appointment with General Culbert, must—in fact, how he could tell him that, I don't know, because he didn't know himself. Nobody knew in Dublin Castle, so far as I am aware, that I was going to Kildare Street Club to meet General Culbert at all.

The CHAIRMAN.—I think the gentlemen at the Bar will see how much better it is to leave these things, as they are on the record; but we are much obliged to you, Mr. Harrel.

Mr. HENRY, K.C.—I have Superintendent Lowe here if you would like me to call him.

Mr. HENRY.—Will your lordship allow General Culbert to hand in now the documents that you asked for, because he is very busy.

Brigadier-General CULBERT, re-called.

635. The CHAIRMAN.—We are sorry that we have to ask you for these documents which are referred to in Sections 4 and 5 of your instructions. Will you be kind enough to hand them in now?—Yes, my lord. I have them here. The first is the telegram which I had to send to the Military Authorities in accordance with the King's Regulations, merely announcing the fact that the Military had been called out to assist the civil power. The next one gives fuller particulars of what happened. The third is a telegram in answer to a telegram from London which asks certain specific points, which they required, I understand for Parliament.

636. Mr. HENRY.—Where is the telegram to which that was the reply?—I have not got it with me.

637. The CHAIRMAN.—Can you furnish that?—I rather think the Under-Secretary has got a copy of it. I think it went through him.

Sir James Dougherty.—I think not. I don't think I have seen it; but I will have a search made.

General Culbert.—It is about some question in Parliament, and they asked me some specific questions.

Sir James Dougherty.—If it is a question for Parliament there must be some proof of it in my office.

638. Mr. HENRY (to General Culbert).—Have you, finally there in your hand a long written report that you are bound to send?—Yes; this is the full report.

The CHAIRMAN.—We are much obliged. If you can supply the copy with regard to the telegram we should be glad.

The Witness.—Might I send them down?

The CHAIRMAN.—Yes, certainly.

[The documents handed in by General Gubbins will be found in the Appendix.]

Captain COCKER was recalled.

Sergeant Sullivan.—I desire to say, sir, that, with the concurrence of my learned friends, I have prepared the following memorandum:—"I propose that the story of the occurrences at Bachelors' Walk should be summarised by the witness stating that his evidence with regard to that episode is fairly and accurately set forth in the depositions made by him at the request. The reason is due to the great pressure caused by the necessity for the military going away at the earliest moment." Of course, I know that there are two objections in the matter of procedure—first, that the document or deposition is not here. Sir Malcolm Kelly informs me that the Coroner undertook to have them put into hands the evening before last. Notwithstanding that, they cannot be expected to be available until this afternoon. They are very voluminous.

The CHAIRMAN.—The Commissioners should require to have a copy before them.

Sergeant Sullivan.—We are not in a position to place the copies before you at present for the reason I have stated.

Mr. ASKWITH.—I do not know that the reading of them would tend to the saving of much time.

Sergeant Sullivan.—The members of the Bar might undertake to read the depositions in half the time. I have no doubt that it would take the witness to give the evidence *in toto*, for it is a curious narrative. The experiment, at least, might be tried; but I admit I cannot justify my own memorandum, as the copies are not at hand, but the agreement in the terms of my memorandum has been come to.

The CHAIRMAN.—We are of opinion it would be necessary to see and hear the witnesses. Of course we do not wish to interfere in any way with the discretion of the Bar, but, as I say, to see and hear the witnesses is probably essential for us.

Examined by Mr. Atkinson.

600. What time did you reach the barracks?—Possibly about half-past two.

601. Were the column formed into fours?—Yes.

602. Who was at the head of the column?—I do not know.

603. Where were you?—At the tail of the column.

604. Down Bachelors' Walk was the column accompanied by a large crowd?—Yes; a hostile crowd.

605. Have you any idea as to its numbers?—No; I cannot say I have, except that the road was full.

606. Were the military rammed by the crowd?—Yes; with showers of stones.

The road is paved with cobble stones?

Sergeant Sullivan.—No; they are granite setts. Cobble stones are not laid in the main streets.

607. Did you see any loose stones about?—No; I cannot say that I did.

608. Did you see what sort of missiles were thrown at the military?—Yes.

609. What were they?—They appeared to be marbles—like half bricks—stones of various kinds and sizes. I do not think they were setts.

610. Was the throwing of the stones and missiles continuous?—Yes; certainly.

611. Did you see many of your men hit?—Yes; I saw several men hit.

612. Where were they mainly hit?—Was it in the back?—Yes, in the back, for they were marching away from the crowd, and those that were hit were hit in the back.

613. And were several men hurt at Bachelors' Walk from the stones?—Yes.

614. Were you personally struck by any missiles?—Yes, two or three times.

615. With what?—I could not say exactly. One I was hit by was about that size (indicating the size).

616. Were any of your men staggered by the blows?—Yes, one man was knocked off. We had to support him.

617. What was he struck by?—I cannot say.

618. He was completely knocked out?—Yes; he had to be supported.

619. The whole way to the barracks?—I cannot say. I think so.

620. Now approaching Liffey Street, approaching the Metal Bridge, the crowd came close to the rear?—Yes.

621. Do you yourself know of any attack made on the column?—Yes; I saw it.

622. Was there a crowd in Liffey Street?—Yes.

623. What was that crowd doing that you saw yourself?—As we arrived at Liffey Street I saw a rush, and we fired a section of men across the road—a determined rush was made by the crowd to get at the flank men.

624. The men firing across the street?—Yes.

625. Did the crowd succeed in getting at any of the men?—Yes; they did.

626. At whom?—Evans, I think, was his name. I saw him on the ground.

627. Was he being attacked?—Yes, there was a man on top of him, and several others behind.

628. Civilians?—Yes.

629. What were they doing to Evans?—They were trying to drag him up Liffey Street.

630. What did you do?—I went to his assistance.

631. Did you succeed in rescuing him?—Yes, several other men came with me.

632. Do you know what the crowd actually did to Evans?—No.

633. You returned from the corner of Liffey Street, and where did you go?—I went behind the line.

634. Who were with you?—There was Major Haig, and I know Second Lieutenant Myles was there.

635. Was the line across the street single or double?—I should say single—it was irregularly drawn.

636. Did Major Haig make any movement towards the front of the line?—Yes, I saw him taking a step towards the crowd and hold up his hand.

637. Were the crowd at that time near the line?—Yes.

638. What distance was there between the crowd and the line?—I would say ten or fifteen yards.

639. Were stones then thrown at the soldiers?—Yes.

640. Were they coming especially?—Yes.

641. Mr. ANDREWS.—Was there any noise?—Yes.

642. Mr. Atkinson, &c.—There was considerable noise?—Yes, a pandemonium.

643. And had the main body of the column moved on?—Yes, but I don't think they moved very far. It started.

644. It moved in the direction of the next side street?—Yes.

645. You say you saw Major Haig move towards the front of the line?—Yes, towards the crowd.

646. Did you hear him say anything?—There was too much noise.

647. What did you see him do?—I saw him touch men on the shoulder.

648. On which side of the line?—On the left side.

649. You could not hear what he said?—No.

650. After touching the men he made a movement towards the crowd?—Yes.

651. Was he able to address them?—No, I did not hear him.

652. Did he do anything?—Yes, he held up his hand.

653. As he did that, did anything attract your attention?—I heard a single shot from my right.

654. The Liffey Street side of the line?—Yes.

655. And when that shot went off what followed?—There was a burst of firing.

656. Did you hear any order given?—No.

Mr. ASKWITH.—Did you see the persons from whom the shot came?

Mr. Atkinson, &c.—Did you see from whom the first shot came?—No.

657. Nor the position?—No.

658. All you know is the direction from which it came?—I heard the first shot. I could not have seen it, I was looking towards my left.

659. And it came from the right?—Yes.

660. The moment this volley was fired—how long did it last?—It could not have been more than six seconds.

661. The moment the firing broke out, did you hear Major Haig give any order?—Yes. I heard him shout "Cease fire."

662. Did you repeat that order from where you were standing?—I did.

702. Was Second Lieutenant Myles beside you?—He was near me.

703. Did he blow a whistle?—I heard it.

704. What is the meaning or significance of that blowing of the whistle?—It means "Stop firing."

705. Was the din and tumult very great?—It was not at that time very great; the crowd were in flight.

706. The moment the firing was over were the men re-formed?—Yes.

707. Did you hear before that first shot was fired any order given at all?—No.

708. Did you give any order to fire?—No, I did not.

709. The firing lasted about ten seconds?—Yes.

710. And the line was re-formed?—Yes.

711. And the men were marched to barracks?—Yes.

712. The crowd dispersed?—Yes, and we were not molested any further.

713. You proceeded on your way to the Royal Barracks?—Yes.

714. I want to ask you about the rifle you got from Pike—you got it somewhere near Fairview?—Yes.

715. What condition was it in?

Sergeant Sullivan.—It is right to say that at the inquest there had been given a description of the person alleged to have actually fired the shot on Mrs. Duffy—the description which might have tallied with the description of the gentleman in the witness box. That was investigated at the inquest, and we are satisfied that there was a mistake as to the identification of the gentleman in the box as the person who fired that shot.

Mr. Atkinson, K.C.—I leave it at that.

THE CHAIRMAN.—It is very proper to make that statement, and it will go on the record.

716. Mr. Atkinson, K.C.—You proceeded to you barracks and when you got there was the column paraded by Major Haig?—Yes.

717. Did you hear him address the column with regard to this shooting?—Yes; I did.

718. What did he say?—I cannot remember his exact words.

719. What was the substance of what he said?—That the men had fired without orders and that being so they probably had brought discredit on the regiment, or words to that effect.

720. Sergeant Sullivan.—At the time you arrived at Clontarf I understand the Volunteers were coming down at the time?—Yes.

721. Am I to understand that at that time, seeing the Volunteers with rifles in their hands, you gave the order to you men to load their guns and fix bayonets?—Yes.

722. That is to say, they loaded and fixed bayonets before the police came into actual contact with them?—Yes.

723. Would you explain, Captain, to the Commissioners what you suggest was the occasion that suggested the direction to your men to load rifles and fix bayonets?—Well, because I was confronted by men—Volunteers if you like to call them—men carrying arms.

724. Were they orderly?—I did not know whether they were loaded or not.

725. Did these men who confronted you appear to be orderly?—They were quite orderly.

726. They were not making any display of force or violence?—Not they were carrying rifles.

727. Now, until the attempt was made by the police to take the rifles from them was there any act of violence by any person?—No; I cannot say there was.

728. None that you saw?—No.

729. Did you confer with Mr. Harrel as to the propriety of taking action there?—When I first saw him, no.

730. Am I to understand that you gave the order to load and fix bayonets entirely on your own initiative?—Yes.

731. Did you at any time confer with Mr. Harrel as to whether you should fire on the crowd?—No, I cannot remember.

732. Were you present at any time at a conference between Mr. Harrel and this gentleman here, Mr. Figgis?—I cannot say I was.

733. Did you see that gentleman (Mr. Figgis) there?—I would not like to say, but I think I must have.

734. Speaking to Mr. Harrel?—I would not like to say so far certain.

735. Not at all events, do you contradict the suggestion that you applied to Mr. Harrel for liberty to use the arms of the military?—Oh, certainly.

736. Was there any actual order to charge given your men at Clontarf?—No, I don't think the word "Charge" was used. I think the order was to "Advance."

737. Will you tell me what was the object you had in view when you gave the order to the troops to advance on the Volunteers?—My object was to assist the police.

738. To do what?—To assist them. I saw Mr. Harrel signal to me, and from that I concluded that the police were in difficulties. I saw struggling going on between the police and the Volunteers.

739. A struggle by reason of the police trying to take the rifles from the Volunteers?—I was 70 or 80 yards behind.

740. Did you think the police were unable to retreat if attacked—the road was open behind them to retreat, and on the other hand the road was barred at they wished to advance—that was clear?—By the Volunteers. Yes.

741. Now, what action of the police were you going to do—or did you wish to join in with your men, what were you going to do?—Well, I was going to see that the police were not overpowered.

742. Was there any forward movement made by the Volunteers on the police?—I did not see any.

743. You did not see any?—No.

744. A matter that may now be cleared up. With reference to a couple of revolvers being fired, they did not come from the Volunteers?—No, I would say they did not come from the Volunteers.

745. Now, the scuffle you speak of between the police and the Volunteers, it did not last long?—No, a very short time.

746. How long were you waiting at Clontarf before your men commenced to march to the city?—About 40 minutes.

747. And during that forty minutes am I to understand they were surrounded by a crowd?—A big crowd.

748. Major Coke assumed command automatically by joining you?—Yes.

749. Did you tell him that 100 men under you had loaded rifles?—No.

750. And when Major Haig subsequently assumed command, did you tell him that 100 men under you had loaded rifles?—No.

751. Now, on the way back between Fairview and Bachelor's Walk, how often did you men charge at "foist" with fixed bayonets?—I could not say.

752. Five or six times?—None.

753. A dozen times?—I could not say.

754. Am I to understand that a good many of the casualties occurred before they reached Bachelor's Walk?—A good many.

755. Can you give the total number of men complaining of having received hurts on arrival at barracks?—There were seven who went to hospital, and the doctor attended twenty.

756. What orders were given coming back with fixed bayonets?—I think "charge."

757. Mr. Justice Monaghan.—What is the exact interpretation of the word "foist"?—I should say a "foist" was a threat—to pretend you are going to do something.

758. Mr. Atkinson, K.C.—Was the order to charge given before you reached the Loop Line?—No.

759. Coming to Bachelor's Walk was the crowd there behind the troops?—Yes.

760. Can you give me an estimate of the number of persons?—No.

761. Can you give me a description of the class of persons who were there—were there many women?—No, I don't think there were.

762-3. Were there many children?—There was a certain sprinkling of boys, I should say not many children.

764. As far as dress and the appearance of these people were concerned, did they appear respectable in the main?—I did not notice their appearance very much. The ring-leaders were not respectable.

765. You did not notice the crowd?—Not the general description of the crowd.

766. At the time the cordon was drawn across the street how far were you from the crowd?—About 15 yards.

767. There were others round the corner of Laffry Street, but closer?—Yes.

768. Did you see the taxi-cab come through the crowd?—I saw it.

769. Were the ranks opened for it?—Yes.

770. And was that immediately prior to the firing of the volley?—Not immediately.

771. Can you give us approximately the position of the line of men that fired?—No, I cannot give you that.

772. Were you present at the Coroner's Inquiry, when this man, Private Douglas, was examined?—I am not quite sure whether I was or not, but I think that I was. Yes, I should say that I was present.

773. Well now, Private Douglas stated, or did you hear him state, that he fired because someone behind him had shouted out to fire?—No; I cannot say that. I remember his evidence at the inquest.

774. In fact was there behind that cordon across the street a line of about four officers?—There was certainly some officers behind the line, but I cannot say for the moment how many officers.

775. Can you say or cannot you not say whether there was not a front rank in that cordon kneeling down and presenting their rifles before the word was given to fire?—I cannot say; but I should say not direct firing? I was watching the line.

Mr. Atkinson, K.C.—I do not wish to ask any further question of this witness.

776. The CHAIRMAN.—Did you hear the evidence given by General Cuthbert yesterday?—Yes, my lord. I did.

777. You heard him say then that his object was to assist to take the rifles; was that your object also?—Yes, my lord; my object was to assist. Yes, to assist in getting the rifles in accordance with my orders. They were my orders.

778. Would you consider it any part of your duty to form an independent judgment of your own on the subject of whether the military should or should not assist in doing so?—No, I did not consider it any part of my duty to form a judgment.

779. So it was quite sufficient for you that Mr. Harrel was there and that he was issuing orders?—Well, sir, he was there directing the operations.

780. And he was in charge of the operations?—Yes; he was in charge; I quite realised that, but I realised that if there was any firing or any action that I took would be taken entirely on my own responsibility.

781. Mr. Justice Murray.—But there was not actually any firing on your responsibility?—No; there was no firing on my own responsibility, but I was very much afraid, I was very frightened, almost frightened that there would be occasion for firing.

782. The CHAIRMAN.—That is so far as your judgment was exercised firing might be necessary?—Well, I could not, with the small number of men at my disposal, possibly get the rifles, and if there was an at-

tempt there was to be firing as the number of my men were so small.

783. That was good sense; the object to be achieved was to seize the rifles and you did not see how that could be done without shooting down men?—I could see that I could not get those rifles, sir, without shooting down men; that is about the size of it, and I did not think that shooting down men was quite justified.

784. Then your opinion was then and is now that at that time it was not justified?—That is so; yes, sir.

785. I have only one question to ask you. Now, with regard to Bachelor's Walk, do you say that so far as you yourself, when on the spot, were concerned, you did not see any soldiers in a kneeling position?—Yes, my lord, I said so; I did not see that.

786. If soldiers kneel, as I understand, the object is that they get into that position for firing formation?—Well, sir, I may say that it is now an obsolete formation getting into a kneeling attitude for firing.

787. Then what was the object of getting into that kneeling position?—The object of that position when such an order was given formerly was in order to get as many rifles as possible into the line of fire.

788. Yes, but may I take it from you that, with regard to the Bachelor's Walk incident, did you consider and did the soldiers consider that the action of the crowd was very provocative?—Oh, very provocative indeed, sir.

789. Do you think that the action of the crowd in Bachelor's Walk was so very provocative that the soldiers might have in a rage let off a shot now and again?—The soldiers were subjected to a great amount of stone-throwing and much ill-treatment, and they were extremely angry, sir.

790. I am not blaming you at all, Captain Cobden, but in these circumstances did it not occur to you that you would have done better to have ordered your men to unload?—I did not think it would have been a practicable thing to have done at that time, sir, because then it would have caused a delay, sir. In those circumstances it is a rather difficult thing to unload a rifle once it has been loaded, and I wanted to get the men back to the barracks as soon as I could. It would have been impracticable at that time to order them to unload, and would have caused considerable delay.

791. At the time you reached Bachelor's Walk were you afraid of your men getting out of hand on account of the conduct to which they had been subjected by the mob?—Yes, I was, sir.

Mr. MORRIS, K.C.—I think we may now call Major Cole.

792. The CHAIRMAN.—Just a moment before you go, Captain Cobden. Is there any foundation for the statement that practically all the men in the force of 100 men were hit?—I should say that most of them were hit, but I do not say that they were all damaged, because they wore a thick pack.

Major EDWARD COLE, King's Own Scottish

793. Now, Major Cole, can you tell the Commission at what particular hour it was when you received the telephone message ordering you to send out the reinforcements?—I should say it was about 4.30; yes, it was then about 4.30.

794. 4.30, and what hour did you leave the Royal Barracks?—It was about 4.42.

795. And how many men did you take with you, Major?—I took 60 men.

796. Well, now, I believe you first went into the matter about providing vehicles from the Army Service Corps?—Yes, that is so.

797. And could you give us any idea as to what position on the Clarendon Road you came into contact with Captain Cobden's detachment?—It was, I should say, about three or four hundred yards beyond Fairview corner.

798. Did Captain Cobden give you any particulars and details of what had happened up to then?—Yes, Captain Cobden informed me broadly of the position of affairs.

799. What did you do then?—I went and sent him to a telephone which I saw in a chemist's shop, but as he did not succeed in getting through on the telephone, I then went myself and I succeeded after a few minutes in getting on to the Brigade at Head-

quarters, examined by Mr. MORRIS, K.C.

quarters and I reported to the General what had happened.

800. And what instructions then did you get from the General?—I told him, and he instructed me to remain where I was.

801. And shortly after that did Mr. Harrel come on the scene?—He did, or possibly before I had received my instructions.

802. Did anything then take place between you and Mr. Harrel?—I told him that I had been speaking to the General on the telephone, and I asked him if he would care to speak to him, and he said he would; and he did so.

803. And while you were waiting there, as a result of your orders to remain where you were with your troops, did any gentlemen from the Volunteers come up to you and speak to you?—Yes, yes; very shortly after I had rejoined my men at Fairview corner, I might say, immediately I had come out from the telephone, one of my men was shown to me with his head hurt behind the ear, and showing me that the mob was hostile. I decided that we were not going to have that, and so I drew up my men in a position, with their backs to the sea wall. The object of doing that was so that they could not be assailed from that side of the place. After I had done that, then a man

came up to me and said that he was Colonel Moore, of the Irish Volunteers. He asked me what had happened, and what the military were going to do, and I said nothing had happened, and that we were to stay where we were. He then said that he had control, or rather influence, with his men, and asked what he should do, and I said that if he could keep his men from starting any disturbance that it would be a good thing. He then went away, and I did not see him again that day.

804. Now, how long were you standing there at Fairview before you marched your men off?—After I came back from the telephone, I should say about ten minutes or perhaps a quarter of an hour.

805. On whose instructions did you march the men off?—On Mr. Harrell's.

806. Would you tell the Commission the conversation you had with him, and how it came that you marched your men off?—Mr. Harrell arrived at the place in a motor car, and, looking out of the window, he signalled to me and said: "The troops are not wanted any more; you can march them back to the barracks." I said I could not do so unless I heard from the General. He said then, "That is all right; I have arranged with the General." I then said, "What about the police?" and he said that the police were going, too. I then formed up my men and marched them off amidst loud shouts and curses.

807. Now, when your men were marched off, what position were you in at the time?—I was then at the head of the column, but owing to the shouts and noise it was perfectly impossible to be heard or to give an order at all, so I went to the head of the column and said to the front men to step out, and so off we went.

808. During your progress along from Fairview, and as you were coming nearer to the city, did you still remain at the front of the column?—I remained at the front of the column for, I should say, probably about 300 or 350 yards, when Captain Cobden then came up to me and said: "They are stoning us hard at the rear of the column." The column, I may say, occupied about 50 yards, and, consequently, the stoning them at the rear ranks had not reached up to the front, and so I was absolutely unaware of it until Captain Cobden informed me. When Captain Cobden had told me I saw him and Mr. Myles about six or seven paces behind the column, and the stones were flying all round the column there. The stones being used were, as far as I know entirely the stones which are used for making macadam roads, that is, they were not very large or formidable ones. I said, "Well, we cannot pay any attention to that now," and walked off.

809. Well, then did you remain at the rear of the column or did you go back and resume your place at the head of the column?—My opinion is that I was at times at the head and along the middle and at the rear; I was moving from one place to another, keeping in that way in touch with the whole length of the column.

810. Now, during your progress up along in the direction of the city and as you were going towards Annan Street Station was there anything in particular in the character and the conduct of the mob that attracted your attention?—Up towards Annan Street, no, not that I saw.

811. But did the stoning continue all that time?—It did, and I should say it got far worse. My own impression is that it kept on steadily getting worse from the beginning of the march back to the city.

812. And was the mob a hostile and, in your opinion, a dangerous mob?—Yes, very.

813. And in addition to the ordinary bocking already described were they also indulging in jeers and derisive epithets to the soldiers?—Yes, they were, and even by people whom I could hardly include as being in the mob, the people on the streets as we came in. There is no doubt that the whole of the people we met and following as we were hostile towards us.

814. What was the condition of the forces as you turned up by Talbot Street and after passing along Annan Street?—Of course, that passes the time I gave the first order to charge.

815. Will you explain to the Commission where it was you gave the first order to charge, after you gave, and if it was repeated?—Well, my lord, we were marching along in fours, and the stone

throwing, if it had not got worse, I should not mind it for twenty miles. But it got rough, and I suppose after getting a mile of the way Captain Cobden came up to me and I decided that it was absolutely impossible to reach the barracks in those circumstances, the mob being far lighter equipped than we were we did not get into them. I was not anxious that we should, and my whole idea was to get a few minutes' respite now and then in order that we should be getting nearer and nearer to the barracks.

816. Will you explain exactly the action you told the soldiers to take?—I told a subaltern in the rear section to turn his men about and to charge.

817. Was the result of that that the crowd were dispersed while the military were charging and that then they followed them up again?—They went and the section returned to the column again. The crowd was frightened then and the stone-throwing up to then was, to put it mildly, unpleasant and harmful to us. When I next found it advisable to repeat this charge was in order to relieve a portion of the rear ranks, which was getting very close and out of hand, and I went to the subaltern at the head of the column and said, you will take turn about and clear the crowd in the rear. I did that seven or eight times until Major Haig took command.

818. Now, how many men would be taken in that way from the front and wheeled round and put in the rear?—I believe the sections would be, roughly, about 25 men.

819. Now, during these conflicts or charges which you have told us about up to Sackville Street, where Major Haig took over charge, did your men get into actual personal conflict with the civilians?—No; I do not think so.

820. In Sackville Street then Major Haig took charge as the senior Major?—Yes, he was in charge then.

821. From that point on what position in the column did you occupy?—While we were passing through Sackville Street I should say I was, roughly, about half way up along the column and about half way in the column; also for a short time after entering on the quay, and then after that at the head of the column.

822. Now, as you were going up through Sackville Street, how were you treated by the crowd?—We were being treated very badly, and the crowd had increased very greatly by that. If I may mention an incident here I soon after we entered Sackville Street we wheeled sharply to the left as we crossed. I saw a section unfixing bayonets and charging with unfixed bayonets, and contrary to my wishes. This section got into handspike with the mob, which was exactly the thing I wanted to avoid, and I then shouted to them to refix the bayonets. My whole fear was not that we should be stoned, but that we should be mobbed, and that in the scuffle our rifles should be taken from us.

823. Now, there is one incident that happened as you turned into Sackville Street, Major Coke, you may remember, when you personally remonstrated with the people who were on the footpath?—Yes; that was as we turned into Sackville Street; there were two persons whom I should not think belonged to the mob at all. They were shouting at us, too, and I turned and said to them that it was an extraordinary thing for them to do, and might lead to serious action on our part, and that they should try and keep the crowd quiet instead of trying to incite them. But instead of remaining quiet they shouted me again and again.

824. Now, can you form any opinion as to the number of persons in the crowd following the column down Sackville Street?—I don't think I could. There was a large mob following as into Sackville Street, and this was considerably added to from all sides by people who probably wanted to see what was happening.

825. Going down Bachelor's walk, for what distance could you see—you were at this side of the column before you took your position by Major Haig's orders at the head?—I think it was not very much before Liffey Street.

826. Was that under orders from Major Haig?—Yes.

827. Coming down Bachelor's Walk had the stoning of the military continued?—Yes.

828. Was your position of the column stoned from Liffey Street?—Yes.

829. What orders did Major Haig give you to?—To go to form a line across the quay, here or about here.

You take the front portion of the column back and form a column in support of me in the next side street."

830. That is Swift's Row? These are the side streets that come down from Abbey Street—Lower Abbey Street?—The opposite side of the road from the quays.

831. How far did you get down towards Jervis Street when you heard the fire?—I think we had probably gone something between 50 and 60 yards. There was great commotion.

832. During your passage down Bachelor's Walk was there a considerable amount of noise and tumult from the crowd?—There was—very great.

833. After the firing did you halt your portion of the column?—We all halted, and I saw that the column was reforming and remained where I was.

834. What was the distance from Fairview to Bachelor's Walk?—I am afraid I could not tell you.

835. How long did it take the troops to march in?—I take it that we left Fairview somewhere about 5.50, and Major Haig told me I reached Sackville Street at about 6.30.

836. So that the distance took you in or about an hour to do that march?—I should say so.

837. How many of your men, Major Coke, were actually suffering from wounds—marks left upon them by stones?—That I cannot say.

838. Had the men protected their helmets by pads?—Yes.

839. So that the only portion of the men's person that would be really exposed would be the back of his head, under the edge of the helmet and his face?—These were the only portions he could be killed by.

840. Do you know whether some of the rifles that the men were carrying during that march were injured by stones?—I do. They were produced at the Coroner's Court.

841. Do you know, Major Coke, how many of the men were treated by the doctor?—No, I don't.

Cross-examined by Mr. SERJEANT SULLIVAN.

842. Major, how long have the regiment been here in the city?—Borough, two years.

843. May I take it that up to Sunday, the 26th July, the civil population were on excellent terms with your regiment?—I think so.

843a. So it was only the episode on the 26th that

(The Court adjourned for luncheon).

After the interval.

Major ALFRED HAIG, cross-examined by Mr. ATKINSON, K.C.

847. Major Haig, are you the Senior Major of the King's Own Scottish Borderers?—Yes.

The CHAIRMAN.—Before Major Haig is examined we would like to refer to the documents handed in to-day by General Oxbert. We do not understand that any representation is made to us against the publication of these documents.

Mr. HANCOCK, K.C.—No; and I have no instructions on the matter.

The CHAIRMAN.—Under the present circumstances we see no reason for suppressing them, and accordingly the Secretary will instruct the shorthand writer that these documents will be incorporated with the shorthand report.

848. Mr. ATKINSON, K.C.—Now, Major Haig, at what time on the Sunday week did you reach the Royal Barracks?—At a quarter to six I was recalled by telephone.

849. Having informed yourself of the ———?—Yes; I informed myself of the circumstances as far as they were known in barracks.

850. Did you then assume your uniform and proceed in the direction of the military?—Yes; I proceeded in my motor car. I did not get as far as Amiens Street Station when I saw that there was a column of our men in Talbot Street. As soon as I kept forward in the car I noticed that it was being stoned. Our stone came inside and hit the glass and several others came behind.

851. What did you do then?—I then turned the car off as quickly as possible into the street on the

brought your regiment into contact or hostility with the people?—Yes.

844. Are you satisfied that before Mr. Haig spoke to you this demonstration of hostility commenced against your troops?—There was distinct unpopularity.

845. Is it a fact that during that very long march from Fairview up to the time of this unfortunate occurrence in Bachelor's Walk you hadn't the protection of a single policeman?—Quite true.

846. The ordinary police force had dispersed off the streets of the City?—I didn't see one.

847. Of course the soldier is a helpless individual unless he uses a deadly weapon?—Yes.

848. The absence of the police accordingly endangered the military force?—Yes. But, seriously enough, when I asked Mr. Haig about the police it was in my mind at the time that we were out to protect the police. We were looking after the police rather than that the police should look after us. When Mr. Haig said "You will march off," I said "What about the police?"

849. The ordinary body of police had disappeared from the streets?—They were not there.

850. At all events a crowd in its inception may be easily covered, but when stones are thrown they become more unruly?—I think it could have been stopped at the commencement.

851. With regard to the occurrence at Bachelor's Walk, was the route to barracks open and free?—Yes.

852. The crowd was a following crowd?—Yes; but people came out from the side streets. They began throwing stones from side streets not very long after passing Amiens Street Station.

853. The march through Talbot Street was through a narrow thoroughfare intersected by a number of side streets?—Yes.

854. In Bachelor's Walk could you see the rear of your column, or could you notice what was going on at the rear of your column?—I heard shots fired.

855. Were you aware that one hundred men out of the 100 had loaded rifles?—No. But I may say that a loaded rifle is not a very dangerous thing. If we start off for the day for manoeuvres or anything of that kind we have loaded rifles. But we have safety catches.

856. You were of course not present in the actual firing line and cannot give us any more information about it.

left and got into Abbey Street. I met the column as they came into Sackville Street.

852. And did you then assume control of the entire body?—I went to see Major Coke. Of course the first of my getting there put me in command. The moment I saw Major Coke he reported to me what had occurred. He told me he had been having a regular rearguard action against stones and bricks nearly the whole way from Fairview. He told me that he had telegraphed charges for a considerable time and was seriously considering whether no more strenuous steps were necessary.

853. As you came into Sackville Street and met the column, did you see any section of the column in contact with the crowd?—Yes. Just at that moment I saw a lot of men undriving bayonets, and that Captain Cobden, as far as I could see, was leading them. They got into personal conflict with the crowd. I also saw some men from behind, who still had fixed bayonets, go to the assistance of these men without orders. I came to the conclusion that the men were getting very angry and were inclined to act for themselves without orders.

854. Was the crowd at this time in Sackville Street very large?—Very large indeed.

855. Was it very hostile?—Very hostile.

856. Did you see missiles thrown?—Yes, from many directions.

857. Did you conceive that the best course you could pursue was to proceed through Bachelor's

Walk 1—Yes. I thought the best thing was to avoid personal contact with the crowd.

868. And with that object in view, did you proceed as quickly as possible to Bachelor's Walk 1—Yes. I got the men into Bachelor's Walk as quickly as possible.

869. Did the crowd follow you from Beckville Street into Bachelor's Walk 1—Yes; a very large proportion of them did.

870. What part of the column were you in 1—I was at the rear the most part—in Bachelor's Walk I was at the rear.

871. How did the crowd treat you 1—They got bolder and bolder, and were throwing missiles—small stones, bricks and half-bricks.

872. Did you see any of your men hit 1—I saw one man fall to the ground. I know his name now—Lance-Corporal Wright. He was confined to hospital.

873. Were you yourself struck in Bachelor's Walk 1—Yes. I was struck five or six times, but not with very large stones. I got a painful one on the elbow, but the rest did not hurt me.

874. Did the crowd pursue you down Bachelor's Walk 1—Yes. They got closer to us every twenty yards we went, and the shower of stones got heavier.

875. Now, as you reached Liffey Street, what occurred 1—There was a very hostile crowd, and people were throwing big things of every sort from Liffey Street.

876. Did you then consider that you were bound to take some more effective measures to restrain the crowd 1—Yes. First of all, I ordered some officers—including Mr. Miles—to line enough men across the street at that corner—to make a line across the street—and then I went to Major O'Keefe, and told him to take the remainder on to the next cross street, knowing that the side streets are the dangers.

877. Was the line you drew across from the Metal Bridge to Liffey Street a single or double line 1—It was a single line. I think the right of the line was thrown rather more forward than the left.

878. When you had the line formed across from the Metal Bridge to Liffey Street, did you give any order to any of your men 1—Yes.

879. You were on the left of the line 1—I was towards the houses side.

880. Having got to that position, did you give any orders to any of your men 1—Yes, I did. But I think there is something I should like to say before that. I saw one or two men with a lot of the Liffey Street mob on top of them, and I saw Captain Cobden and some of our men going to their assistance. I saw one of these men on the ground. Then I went to the men near me. I tapped them on by one on the shoulder, and asked them individually: "Are you loaded?" and then said: "Be ready to fire on my order," or "If I give the order."

881. You said that to some five men 1—Five or six men who were the nearest to me. I think there were four or five men in the line kneeling down. The remainder of the 25 were standing.

882. So that the whole line was composed of 26 men 1—Twenty-five or 30 men. Soldiers are trained to fire in the lying position, and they are also trained to fire in the kneeling and standing positions—all three.

883. Mr. Justice MOULTON—That was to be in a position they could fire—kneeling 1—They could fire equally well kneeling or standing.

884. Mr. Atkinson—When you had given that order, did you hold up your hand 1—I stepped forward. Having got the small signal ready to fire, if necessary, I was going forward to shoot to the crowd that if they did not disperse I should be obliged to fire. I hoped, of course, that the threat would disperse them.

885. The Right Hon. W. D. ATKINSON—When you told the men to be ready to fire if they were required, could you let us know in what tone of voice you were speaking 1—in a low tone. I spoke to each man individually.

886. Mr. Atkinson—At this time was there a considerable amount of noise 1—Yes.

887. Were the crowd very hostile and very dangerous 1—Very hostile. While the line was across the road, I saw several men hit from the crowd.

888. Was the crowd any distance from the line 1—From six to fifteen yards, as far as I could see. Of course, at Liffey Street they were in personal contact

889. When you stepped forward to address the crowd, did you raise your hand 1—Yes.

890. Did you have an opportunity of saying anything 1—Just as I was going to speak—to the best of my belief before I said anything. I might have said the first word.

891. The CHAIRMAN—What would be the first word 1—Well, it would have been "Listen to me." That is what I was intending to say. Just as I was beginning I heard a shot come from the direction of the Liffey towards my right.

892. Are you able to say, Major, who fired that shot, or what was the position of the person who fired it 1—No, I cannot say, and I have not been able to ascertain by inquiring since.

893. The moment the shot was fired it was followed by others 1—Yes; the moment that shot was fired.

894. The CHAIRMAN—Was it a volley 1—No, my lord; we don't fire volleys like that.

895. Mr. Atkinson, &c.—After you heard the firing what did you do 1—I immediately shouted, "Cease firing," and I heard other officers shouting, "Cease firing." I heard a long whistle, and the firing stopped almost at once—there was about one round, an irregular sound of firing.

896. Could you say what was the duration of the firing that you heard 1—I originally estimated it at about 15 seconds, roughly. Since then I have been thinking it over, and I don't think it lasted more than seven seconds. The men are trained to fire 15 rounds per minute.

897. After the firing ceased did you re-form the line and rejoin the main column 1—Yes, I at once re-formed my line, and got away as quickly as I could.

898. Now, before the firing took place, did you hear any order to fire come from anyone behind you 1—No, I did not.

899. And you, yourself, gave no order to fire 1—I gave no order to fire myself. The only explanation I can give is that possibly one of the men heard the warning about firing. That word "fire" was overheard by another man on the night, and then it passed down and was misinterpreted. They thought then, in the firing line, that the order was passed down. Possibly and probably that is the explanation.

900. Mr. ATKINSON—"Get ready to fire," or some warning to that effect was passed down 1—The word about firing passed down the line, and got mutilated.

901. The CHAIRMAN—There was tumult in the crowd 1—Great tumult.

902. Mr. Atkinson, &c.—You reformed your line, and marched back to barracks 1—The first thing I did when I got back to barracks was to give an order that the powder, ammunition and rifles be examined to see what rounds had been fired.

903. And, as a result, as a matter of fact, did you ascertain that 31 rounds had been fired 1—There were 31 rounds deficient, but two have been reasonably accounted for since.

904. That would mean, then, that 29 shots had been fired on this occasion, my lord, are investigating 1—To the best of my belief, 29 shots had been fired by 22 men.

905. And, Major Haig, after the ammunition had been checked, did you address the men on parade 1—Yes; before they were dismissed I said to them that they had had a very rough and trying time. At the same time I told them they had fired without orders, though possibly I would have to give them the order at that place. However, they had fired without orders, and the effect of their having done so might bring discredit on the regiment. I addressed each word to them, and I then dismissed the parade.

906. You are aware of the number of men injured upon that Sunday of the 160 men is the column 1—Yes.

907. How many 1—There was one man injured from a gun-shot wound. It had nothing whatever to do with the Bachelor's Walk affair.

908. No; I understand, that was at Clontarf 1—Yes, at Clontarf; and a man had his knees grazed with a revolver, but it had nothing to do with the subsequent affair.

909. That was on the return journey 1—Yes; on the return journey. There there was one of my men, whom I mentioned before, had a bad wound on the right side of the face and occiput. He was in hospital for about 10 days.

910. He was hit in Bachelor's Walk?—Yes, in Bachelor's Walk. Roughly, there were 17 others admitted for treatment at the hospital, half a mile from the barracks. They were treated that night in addition to some of the men who had been sent back from the hospital.

911. The CHAIRMAN.—Not detained?—Well, three or four cases required attention.

912. Mr. JEFFRIES, M.C.—How many of those who were injured did not require to go to the hospital?—Well, there were 39 reported to the Medical Officer in charge of the Battalion at the Barracks. The next morning about half—4 or 5 certainly were not sent by the doctor. In addition, two officers did not see the doctor.

913. The CHAIRMAN.—Two men reported themselves—5 new cases?—Yes, there were 5 new cases. Then, there were two officers. One was hurt enough to show blood in one or two places.

914. Mr. ATKINSON, K.C.—One of them was, I believe, Lieutenant Myles?—Yes, Lieutenant Myles, and there was another, too; and, in addition to them, there was a number of men who were hit and got unconscious. One of them, who was hit by the large stone, never saw the doctor, being more or less unconscious for more than an hour.

915. That was, as we all know now, Lance-Corporal Pike?—Yes. He recovered before he went to the Barracks. Others who were similarly situated were knocked down and hit. For half an hour they never saw the doctor. I might safely say, almost, that no man while he was in one section during any command could escape being hit by stones. I mean by that section, the last 20 men or so.

916. Does that exhaust, Major, the personal injuries?—Yes; and, in addition, there were very serious damages to the rifles. Eight rifles—the stocks of eight rifles—were so severely damaged that they had to be brought before a Board.

917. Were the equipments of the soldiers, apart from their rifles, very much damaged?—Yes, certainly. I have seen various ones where water bottles were badly dented, and mess-tins damaged beyond being able to be used again.

918. Now, I believe that men who are doing duty of this kind wear packs across their backs?—Yes; they carry packs in which are a great coat, a shirt, and other things.

919. And, in this affair at Bachelor's Walk, did you see men hit on the pack?—Yes, in Bachelor's Walk I saw some men on their porters hit as hard with muskets on the pack that they were knocked quite forward on to the pavement.

Cross-examined by Sergeant SWINSON.

920. Major, you say you did not know that the men had loaded rifles?—I did not.

921. Therefore, you could not have anticipated that an order given to five individuals could possibly result in such action as firing by the whole firing line?—If I had realised it at the time, I would have taken measures to see that the others were put in a position under an officer so that they stood at the slope or some position like that.

922. I am sure of that. Now, with regard to the injuries that you have testified to, have you not given as the whole list of the casualties for the day?—Yes, the whole list.

923. Was there any action after their return to barracks by which any additional men might suffer from casualties?—I find that some men were excited, and did not report to the doctor that night.

924. Was there any disturbance in the barracks that night that would have accounted for that?—Oh, none.

925. You gave me, very kindly, the names of 20 men who constituted the regiment drawn across the road?—I think so.

926. And two others were added to them in the course of the night?—There was Corporal Patterson, who was behind it. I think that was the only additional name.

927. Thirty-two men altogether and five officers were drawn up?—There were five officers.

928. Now, did you hear three of the men who fired state that an order to fire was given from the very rear?—Yes, I heard one of them state that they thought so. In fact, I think they stated it. Private Douglas, I know, stated it. Private Douglas stated that some-

one, he heard, behind him shouted "Fire." Another stated that he thought that I gave the order to fire.

929. Private Sand states that no shot was fired until the order to fire was given?—I think he meant "Passed down the line."

930. He said both, as a matter of fact?—Yes.

931. Private Beeswell stated a general order to fire was given by someone on his rear; he was fairly near the rear?—Yes, fairly.

932. Private Douglas was practically next the houses?—Yes; on the north side of the road, up against the houses, probably about three paces from the pavement.

933. At all events, the men on the extreme left and the men fairly near the right—both were under the impression that an order to fire came from behind?—Yes; some of the men were under that impression.

934. And behind there were four officers?—Yes, about four officers and about two or three non-commissioned officers.

935. I take your word for it—three?—Well, two or three.

936. And at the time the firing was over, on the spot there, no remark of any kind was addressed to the ranks?—No; I should never think of doing that in public. I did not think there was a public at that particular time.

937. May I take it that, until more than an hour afterwards there was no suggestion conveyed to these men that they had fired without orders?—I should not think it was an hour. I would take it to be about 20 minutes—three-quarters of an hour, possibly.

938. How long did you take to get to barracks?—Well, about 20 minutes, probably rather less, and then 15 minutes, I should think, in checking the ammunition.

939. At all events, it was after that interval that you addressed them?—Yes.

940. Now, did you see a motor car pass through the crowd and through your men immediately before the firing?—I saw a motor car just at the line, and I saw another motor car simultaneously behind the line, one trying to get through in each direction. I did not see what happened to either of them.

941. Now, Major Haig, did you notice the composition of the crowd?—Well, generally speaking, I did.

942. The fact that some people were throwing stones, of course, indicates that there were some undesirable amongst them?—A very large number of undesirable, I should think, from the volume of stones that were thrown.

943. Now, there were 29 shots discharged—at least 29—two have been accounted for—29 shots were discharged into the crowd?—Yes.

944. And discharged at very short range?—Well, yes.

945. And might we not expect, Major, that the victims might fairly well represent the constitution of the crowd?—Yes.

946. Well, now, there were, I think, as far as I can make out, there were six—there is one ambiguous name—six women—a fair proportion of the women in the crowd?—I saw about two or three women right in front of the crowd.

947. One of whom was shot dead?—I believe one was shot. I did not see her as she fell. I did not see her fall. I believe one was shot dead.

948. About a dozen or more of the victims are between 10 and 30 years of age—there was a large number of young persons in the crowd?—Well, of course, between 10—I should not like to accuse anybody between 10 and 12 of being hostile.

949. I suppose a girl of 17—there might have been a few of them who were actually twenty. That represents a substantial number of young persons, composed of girls in the crowd?—Yes.

950. Would you be surprised to hear—I suppose the ordinary street slowly would figure as having no occupation or being a labourer?—I cannot say that.

951. You cannot say that; but would you be surprised to hear it, that a large percentage of the able-bodied men were skilled artisans, clerks, chemists' assistants, persons of that description, dispensers' assistants, employees of the Tinsmith Company, printers?—Yes; I am sorry to hear that.

952. Now, analysing the result of this very regrettable occurrence, do you suggest that the crowd in the main was a crowd of rascals—in the main?—I was

afraid it was. Of course, I could not say how many people there were, but I am perfectly certain that the stone-throwers must have extended to between 300 and 350 at the very least.

953. And have you any explanation of how they could have escaped punishment with this indiscriminate firing amongst them?—None.

954. No explanation?—No.

955. Mr. Ashmun, K.C.—These people who might have been hit and received injuries, you could not say what part of the crowd they were?—No.

956. They might have been in the front?—It is quite possible that people in front escape and people right behind were hit.

957. With a flat inspector?—Yes, with a flat inspector.

958. The CHAIRMAN.—When you spoke quietly to the five men part of your orders were to "Get ready." Would that be correct?—I said, "Get ready to fire under my order." I meant, of course, that they would put their safety-catches forward.

959. At the time, were you aware that their rifles were loaded?—No; not at the time. I know since that 100 were loaded and 60 are loaded. Major Cole's detachment were never loaded.

960. Your object was to get rid of this swelling crowd?—Yes, sir.

961. Did it occur to you that if firing was to take place you should select your victims?—Certainly I should have.

962. That is a point you have not illustrated in your evidence. Assume that no mischance had occurred, what would you have done by way of selecting your victims?—I should have looked for the people who were continuing to throw stones and turn about three rifles on each.

963. That is to say, you would have prevented indiscriminate firing?—Yes.

964. And deliberately fire on those whom you recognized as ringleaders?—Certainly.

965. Did it occur to you to pick out a few ringleaders?—I had it in my mind that I should select two men to fire on as ringleaders.

966. I want you to make it clear what your attitude was with regard to the crowd as such. You were against indiscriminate firing on the crowd?—Oh, certainly.

967. You are aware that only in extreme cases

could such proceedings be justified?—Absolutely. I am aware of that.

968. Do you know that among other things the reason for that is that indiscriminate firing may involve innocent bystanders who are by no means hostile by any act?—Yes, I am aware of that.

969. You must have been surprised to learn that the response to this supposed order was given by twenty-two men?—Yes, I was.

970. Even if you had given the order the response, I gather from you, would have been by six rifles directed against two ringleaders?—Yes.

971. I want to be quite frank about it. These men having been pelted got out of temper?—Many of them.

972. And when men, whether armed or not, get out of temper they get out of hand?—Yes.

973. Do you think that the state of exasperation in which the men were may have caused them to anticipate an order rather than to obey it?—It is difficult to say that, but it is possible.

974. Do you think that they really thought that the order to fire had been given?—In the excitement I think they really thought that the order had been given.

975. Any order given in those circumstances would have been an indiscriminate order?—Yes.

976. Therefore evidently there has been a terrible misunderstanding?—Yes.

977. Some lives may have been lost and injury caused for that reason?—Yes.

978. Are soldiers as a rule aware that indiscriminate firing upon a mob is deprecated except in most extreme cases?—I think they are aware of it in general terms.

979. In the heat of this order they may have omitted to think about it?—Yes.

980. And fired at large into the crowd?—Yes.

981. You regret, I hope, that this was a most regrettable circumstance?—Most regrettable, and no one regrets it more than I.

982. I think it right to say that the Commission sees no fault with you having ordered your men to shoot at the mob until the soldiers returned to barracks. I think it is fair to you to say that.

983. Mr. Justice MONAGHAN.—You said that the active people at Liffey Street were from twenty to twenty-five yards away. What do you mean by "active"?—Actively hostile. The number is a rough guess. In the din it was almost impossible to get accurate numbers.

Second Lieutenant ERIC MYLES sworn, examined by Mr. HANNA, K.C.

The CHAIRMAN.—I do not in any way want to stop you, but you should understand, Mr. Hanna, that so far as the case for the military is concerned we think that the story seems to be fairly well before the Commission.

Mr. HANNA, K.C.—I understand that.

Sergeant SALLISON.—I may say that I have no desire that the military evidence should be duplicated.

Mr. HANNA, K.C.—There is one incident that I have to go into more detail, that is the incident at Clontarf.

984. (To Witness).—You went to Clontarf with Captain Cobden?—Yes.

985. Your section was a portion of the troops set aside to cut off the Volunteers?—Yes.

986. Were your troops lined up convenient to where the revolver shot was fired?—We were moving at the time.

987. Whether were you moving and from what place did the revolver shot come?—I am not quite sure of the name of the road.

988. You knew the Malahide Road?—Yes.

989. You know the Crescent?—Yes. We were entering the Malahide Road and we saw a body of Nationalist Volunteers coming from the direction of Malahide Road. We fired the course of the Malahide Road near the Crescent, with the police in front. The police went forward towards the Volunteers, and in

a short time we advanced behind them in extension across the road. As we advanced up the road towards the Volunteers a revolver shot was fired by someone in a side street.

990. Mr. ASHMON.—At the Crescent?—Beyond the Crescent.

Mr. HANNA, K.C.—How were the Volunteers armed at the time you saw them?

991. The CHAIRMAN.—Was that shot from the side of the road fired by the Volunteers?—I think not.

992. By bystanders?—Yes.

993. Mr. HANNA, K.C. (to Witness).—I think you said you saw the police advance towards the Volunteers. How were the Volunteers armed?—Most of them had rifles and some had wooden clubs.

994. Were there any bayonets with the Volunteers?—I saw none.

Sergeant SALLISON.—I have no question to ask, my lord.

Mr. HANNA, K.C.—We have several soldiers here now on the firing line both from the left and the right of the line, and they will give their impressions of the firing. I do not know whether your lordships think that the evidence is satisfactory.

The CHAIRMAN.—The Commissioners are of opinion that we cannot withdraw your discretion from you as regards this matter.

Private JAMES PETERSON, sworn, examined by Mr. ASHMON, K.C.

995. What is your age?—21 years.

996. You were in the firing line?—Yes.

997. What part of the line were you in?—Near the houses.

998. How far were you from the houses?—I was standing near the gutter alongside the footway.

999. Did Major Haig speak to you?—Yes.

960. What did he say?—He asked me if I was loaded.

961. What did you say? I said "Yes."

962. What did he say then?—He said, "Fire at my order."

963. After Major Haig said that did you see a division between two of your men and Lifley Street?—Yes.

964. That was a few paces in front?—Yes.

965. Did you go to the rescue of your men?—I was going.

966. Did you then move out of the line?—I did.

967. How far did you advance?—Three paces.

968. When you advanced did anything happen?—Yes. A shot went off on the right.

969. Did you hear any order to fire given?—No.

970. Hearing the shot upon your right, did you yourself fire?—I did.

1010. Did other shots follow the first shot before you fired?—Yes.

1011. And after the fire continued, did you hear the order "Cease fire"?—I did.

Sergeant Sullivan.—No questions.

1012. The CHAIRMAN (to Witness).—When the shot went off you assumed the order was given?—Yes.

1013. But for that you would not have fired?—No.

Sergeant Sullivan.—I have heard, my lord, a great number of the private examined, and I agree with my friend regarding their evidence, with the exception of three witnesses—Privates Douglas, Baird, and Howell. These say that a general order came from behind them.

The CHAIRMAN.—That would, of course, shorten the proceedings, but we must see the man.

Private BENJAMIN HUDSON sworn, examined by Mr. HANCO, K.C.

The CHAIRMAN (to Witness).—We expect you to tell the truth, but if you think you are involved in what you say you may stop and make an appeal to the Court.

1014. Mr. HANCO, K.C. (to Witness).—What is your Christian name?—Benjamin.

1015. When the line was thrown across Becher's Walk, were you on the extreme right?—Against the Lifley wall.

The CHAIRMAN.—We must again say that you need not answer any question which you think would involve you.

1016. Mr. HANCO, K.C.—They were all cautioned at the inquest, and they understand what your Lordship means. (To Witness).—When you were wheeling over towards the right, did you pass Major Haig about the centre?—Yes.

1017. As you passed him, did he say anything to you?—No, not direct to me.

1018. Did you hear him say anything to any soldier?—I heard him say, "Get ready to fire at my order."

1019. To whom did he say that?—To Lance-Corporal Stubbs.

1020. When you got into position on the right side next the wall what happened?—Major Haig had one of his hands up, and a shot went off behind me—in my opinion, in the middle of the right.

1021. Did you get any order passed to you?—Yes.

1022. What was it?—They said I might fire.

1023. Who passed it?—The man on my right; I cannot say who.

1024. And on receiving that, you fired?—I fired.

1025. The CHAIRMAN.—What is your age?—Nineteen years and four months.

Lance-Corporal EVANS examined by Mr. HANCO, K.C.

1026. Were you one of the firing line at Lifley Street?—Yes.

1027. What part of the line were you in?—The extreme left-hand.

1028. Near the house?—Yes.

1029. Did you hear Major Haig give an order?—No.

1030. Did he ask if you were loaded?—No.

1031. Did you see one of your comrades attacked at Lifley Street?—I was attacked myself.

1032. Did you make an advance yourself?—I did.

1033. Why?—Because a man was aiming a brick at me about five yards away.

1034. What did the crowd do?—One got hold of my body, and pulled me to the ground and kicked me.

1035. Where?—In my mind.

1036. Were you subsequently rescued by Captain Cobden?—Yes, and several men.

1037. Did you then go back to the firing line?—Yes.

1038. Did you hear an order to fire given?—No.

1039. Up to the time you got back had there been any firing?—No.

1040. What directed your attention to the firing?—One shot went off on the extreme right.

1041. You heard no order to fire given?—No.

1042. Did you yourself as one of the party of the firing line fire?—No.

1043. Why?—I was too daunted to fire by a kick I received on the ground.

1044. And the firing was almost immediately stopped?—Yes, by Captain Cobden.

Private EDWARD RHOSE sworn.

The CHAIRMAN.—You are not bound to give any answer that would incriminate yourself. If any question is asked as to what you did which you would rather not answer you are not bound to answer. If you care to answer you can do so.

1045. Mr. HANCO, K.C.—Where were you in the firing line?—In the rear.

1046. What is your age?—Twenty.

1047. Did you see Major Haig speak to some of the soldiers?—No.

1048. How did the firing take place in your hearing?—I never heard nothing at all about firing. I am a bit deaf from the stone I got pelted with.

1049. That day?—Yes.

1050. Did you see a line formed across at Lifley Street?—Yes.

1051. Before you drew up at Lifley Street was your rifle damaged?—Before they fired I got knocked down.

1052. What is wrong with your rifle?—It is mended now. It broke just here. The wood was knocked off with a stone.

1053. That damage was done to your rifle at Becher's Walk?—Yes.

1054. How were you carrying the rifle?—Like this. (Here Witness shouldered his rifle). It was knocked over with the force of the stone.

We have telephoned, my lord, for the three address which Sergeant Sullivan has named, and, apart from them, we have no other evidence to tender.

The CHAIRMAN.—You can put them forward at a later stage.

Mr. HANCO, K.C.—I want to ask Superintendent Lowe a few questions.

The CHAIRMAN.—Certainly.

Superintendent John Lowe, Dublin Metropolitan Police, examined by Mr. Henry, &c.

1055. Were you in charge of the Detachments Office in Exchange Court on Sunday, 26th July, Mr. Lowe?

—Yes.

1056. And do you remember coming in some time after half-past one?—I think it would be a few minutes later than half-past one.

1057. And did you discover that a telephone message had been received from the County Inspector of the R.I.C. at Howth relative to the landing of the arms?—I was informed that such a message had been received.

1058. And was that message communicated to the Superintendent at your own headquarters, and also to the Head Constable in charge of the R.I.C. Office?

—Yes.

1059. What was the message?—It was to the effect that about 500 Irish National Volunteers had assembled on the Pier at Howth, that a private yacht had come in, and that they were landing arms from it.

1060. Did a second message come in while you were there?—Yes, a little later. It would be then, I think, a few minutes after two.

1061. Did you communicate with your own headquarters?—To the Headquarters Office, and I went to the Head Office of the R.I.C. to inform him.

1062. After visiting the R.I.C. Office did you go to your own headquarters in person?—Yes.

1063. And did you see Chief Superintendent Dunne there?—Yes, I saw Mr. Dunne there.

1064. And did you discover whether any men had been sent out?—In the course of my conversation with Mr. Dunne, I think he said that about 70 men were being sent by train.

1065. Did you ascertain the whereabouts of the Assistant Commissioner?—Not, I think, immediately; but soon afterwards I was informed he was coming in.

1066. Now, before Mr. Harrel came, did Mr. O'Connell, the Deputy Inspector-General of the R.I.C., come into the Castle Yard?—He came across the yard, I think, from the direction of the R.I.C. Office.

1067. And had he a conversation with Superintendent Dunne?—He had some conversation, and they moved away together in the direction of the Garrison Office.

1068. The CHAIRMAN.—What time would that be?—I think we must be now getting beyond half-past two. It would be later when the Assistant Commissioner appeared on the scene. My impression of the time that Mr. Harrel appeared on the scene is 2.45 to 2.50. I think probably 2.45. He drove into the Castle in a taxi-cab, accompanied by a gentleman whom I didn't know then but whom I later ascertained was General Cuthbert. The Garrison Adjutant also followed the taxi into the yard.

1069. Who was he?—Captain Hollins.

1070. He came later?—Immediately behind the taxi.

1071. Mr. Henry, &c.—Mr. Harrel was accompanied by General Cuthbert?—Yes. I didn't know then that the gentleman who accompanied him was General Cuthbert.

1072. And was that the first time Mr. Harrel came to the Castle?—That was the first I had seen of Mr. Harrel.

1073. On their arrival did they go into the Assistant Commissioner's room?—Yes. On the landing Mr. Dunne joined us, and we all went into Mr. Harrel's room.

1074. Before Mr. Harrel arrived had you received a message from the Chief Secretary's Office that Mr. Harrel was wanted?—Yes. I was informed by one of the clerks that a telephone message had been received from the Chief Secretary's Office that the Assistant Commissioner was wanted there.

1075. Did you tell Mr. Harrel that on entering the room?—Within a minute or so after entering I informed Mr. Harrel of the message. I said that a telephone message had been received from the Chief Secretary's office to say that the Assistant Commissioner was wanted there.

1076. Did Mr. Harrel do anything?—Mr. Harrel went immediately to his own telephone, and as far as I know he tried to get through to the Chief Secretary's office, but I think he did not succeed.

1077. When he tried to get through did he say anything to you?—I thought he said something about a note, but I didn't catch what it was or whether it related to the message from the Chief Secretary's office.

1078. Had Mr. Harrel and General Cuthbert a conversation at that time?—A few words, the nature of which I did not take in.

1079. And did General Cuthbert give some direction to the Adjutant?—He appeared to give some direction to the Adjutant.

1080. Did Mr. Harrel immediately leave the office?—I think within a minute or two.

1081. Did he and General Cuthbert go to the door together?—Yes, that is my belief, that they walked downstairs together to the door and separated.

1082. Did Superintendent Dunne accompany the Assistant Commissioner into the taxi cab?—Yes.

1083. As he was leaving did Mr. Harrel give you any direction?—The machinery of the taxi had started at the time and it was difficult to catch what he said, but I understood he said to go to the Chief Secretary's office and say how matters stood.

1084. The CHAIRMAN.—What did that mean?—To explain how matters stood as to the landing of the arms.

1085. Assuming that you were Mr. Harrel, give us the exact words he used?—I regret I am not able to give the exact words to you, but I understood from him that I was to go to the Chief Secretary's Office and indicate how matters stood, and I think Mr. Harrel added that he regretted to say that he was unable to go there.

1086. Repeat what you have said?—He told me to go to the Chief Secretary's Office and indicate how matters stood, and to say that he regretted that he was unable to go there. I don't allege that those are the actual words that Mr. Harrel used, but they are the substance of them as I understood them.

1087. Mr. Henry, &c.—You had been in Mr. Harrel's room when General Cuthbert and the Adjutant were there?—I was.

1088. Did you come to the Upper Castle Yard?—Yes.

1089. As the taxi car started?—The taxi was about turning.

1090. Did you find Sir James Dougherty in the entrance hall?—He was standing rather inside the door as I approached from the arch, and he came out.

1091. Will you just tell us what you said?—My first communication to Sir James Dougherty was that I had been sent to say that we had received a message from Howth first stating that 500 Volunteers had assembled there and were landing arms or rifles—I don't know which word I used—and that a second message had been received to say that the number had increased to about 2,000, that a large number of rifles had been landed, that about 1,500 Volunteers, armed with rifles, were on their way to Dublin, and that at the time the message was being received they it was thought they were about Sutton. Sir James asked me something. I believe as to what police action had been taken. I cannot repeat the question Sir James asked me, but the answer I gave in reply to it was that I understood that about 70 police had been sent out, that I believed they were going to the narrow lane leading from the sea wall to Hebrary. And he asked me, further, what action they proposed to take, and I said that I believed they intended to disarm the Volunteers but to make no arrest.

1092. Did you learn in the Assistant Commissioner's room when General Cuthbert and the Adjutant were there that the military were going out?—I had not been told definitely what the arrangement was with regard to the military, but I believed they were going out.

1093. Did you mention that at all to Sir James Dougherty?—I had thought that I did, but since I feel rather confident that I did not.

1094. Mr. Justice MOLESWORTH.—Did you mention General Cuthbert's name at all to Sir James Dougherty?—No, my lord, until a little later. I should say that the Deputy Inspector-General of the R.I.C. was also at the door with Sir James at the time the conversation was going on. Sir James, to the best of my recollection, mentioned something about getting into communication with the General, and he and the Deputy Inspector-General were not certain who was in command. One thought, I think, it was General Friend and the other mentioned General Cuthbert. I remarked that a gentleman had come in with the Assistant Commissioner, but that he had left, and having described that gentleman Mr. O'Connell said that was General Cuthbert. That was the first time I

get to know that the gentleman who accompanied Mr. Harrel into the Castle was General Cuthbert.

1090. That was mentioned by Mr. O'Connell?—Yes.

1091. Sir James Dougherty in his evidence stated that he learned from you that General Cuthbert and Mr. Harrel were in the Kildare Street Club?—I did not use any words that would lead Sir James to be here that I conveyed that message to him. I was not conscious where Mr. Harrel was until he got away into the office. I was conscious that he had left in the taxi with Superintendent Doane to take charge of the police, but I didn't, to Sir James Dougherty or to anyone else as far as I can remember, that day associate Mr. Harrel's name with the Kildare Street Club, and the only occasion on which I mentioned the Kildare Street Club was when Sir James and the Deputy Inspector-General were discussing how they might get into touch with the General, and I said the gentleman who had accompanied Mr. Harrel might have gone to the Kildare Street Club.

1092. Mr. Henry, &c.—At that time had Mr. Harrel gone away to take charge of his men?—Yes.

1093. Did you ever convey that Mr. Harrel had gone to the Kildare Street Club?—No, I cannot remember having done so.

1094. Mr. Justice Mocree.—Did you say that Mr. Harrel was gone to Clontarf?—The words I used were that he had left urgently to take charge.

1100. Mr. Henry, &c.—Was it in the entrance hall that you gave the description of the gentleman who accompanied Mr. Harrel?—Just a few paces out on the yard in the pathway—about half-way between the door and the arch leading to the Lower Yard.

1101. Did you then return to your office?—I then returned to the Head Quarter Office of our Force.

1102. Later on did the Assistant Commissioner speak to you on the telephone?—He did. It would be getting on possibly to 4 o'clock as near as I can go.

1103. Did you know where he was phoning from?—No.

1104. We now know it was from the Clontarf Police Station. Did he give you any directions to go at once to General Cuthbert and inform him that the Volunteers had then passed Raheny, that there were 800 or 600—I don't know which—that they were all armed, that the military had not arrived, and that the police would be unable to take any action unless supported by the military.

1105. Mr. Justice Mocree.—At that time had you got a telephone message from Sir James Dougherty?—My recollection is that my telephone message from Sir James was after that. My recollection may be wrong.

1106. At 3.45, according to Sir James, he telephoned asking if there was any means of communicating with the Assistant Commissioner, and that you said he was coming back?—That is practically the substance of the reply I gave, but my impression is that the time was later than Sir James had in his mind.

1107. Sir James states that you had informed him that you were not able to give any assistance as to the whereabouts of the Assistant Commissioner?—I was not able to tell him where the Assistant Commissioner had telephoned from. That was the second time, I think, the Assistant Commissioner had got into touch with the office. The first time was to convey a message to General Cuthbert. That I take to be the message that was sent from the private telephone at Raheny.

1108. Mr. Henry, &c.—When you got the message from Mr. Harrel that we know now was telephoned from the Clontarf Police Station, what did you do?—I immediately went to General Cuthbert's office.

1109. What time did you get to his office?—I looked at the clock in General Cuthbert's office when I entered, or when the Garrison Adjutant returned from the telephone room—the difference wouldn't be a minute—and my recollection of the time was that it was seven minutes past four.

1110. Did you ascertain that the military had left?—Yes, that they had left the Royal Barracks at 3.55.

1111. And the Garrison Adjutant was he on duty there at the time?—He was in General Cuthbert's room; I take it he was on duty.

1112. After you returned from General Cuthbert's office did you get a telephone message from Sir James Dougherty?—That is my recollection, that it was sent after I returned from General Cuthbert's office, which might be five minutes later or so.

1113. And what did he ask you—what was the purport of the telephone message that you received from the Under Secretary?—He asked me did I know where Mr. Harrel was, or how he was to get in touch with him. I have given you my recollection of the message. He asked where Mr. Harrel was and how he was to get in touch with him. I said that Mr. Harrel had spoken on the telephone to me, but that I didn't know where he had spoken from, and that I understood him to say that he was coming back or going back—I cannot say which word I used. It occurred to me that he was going back to the position that he held before telephoning.

1114. Not that he was coming to the Castle?—No, I didn't understand it as coming to the Castle.

1115. About five o'clock did you get a letter from the Under Secretary for immediate delivery to the Assistant Commissioner?—I sent a man on a bicycle with it. He found it hard to find Mr. Harrel, but eventually he found him at Anson Street and gave him the letter.

1116. By the CHAIRMAN.—What was the time that you had the last conversation with Sir James?—My recollection is that it was from 10 to 15 minutes past 4. That was my recollection.

1117. By the Solicitor-General.—You say that you were informed that Mr. Harrel was wanted in the Chief Secretary's Office?—Yes.

1118.—What time do you fix that at?—I think that would be about twenty minutes to three.

1119. That is, before Mr. Harrel came into your office at all?—Possibly 2.40 to 2.45.

1120. How long before Mr. Harrel came into the office had you been informed that he was wanted in the Chief Secretary's Office?—Not more than 3 or 7 minutes.

1121. Who had informed you of that fact?—A constable from our telegraph office in the Lower Castle Yard. He had received a message as I understood from the Chief Secretary's Office that the Assistant Commissioner was wanted at the Chief Secretary's Office.

1122. It is no doubt a fact that before that Sir James had telephoned to the Kildare Street Club to Mr. Harrel?—I have no knowledge of that.

1123. I accept your statement about it, but can you suggest any other person in the Castle who might have informed Sir James that Mr. Harrel could be found at the Kildare Street Club?—No.

1124. By the CHAIRMAN.—It did so happen that Sir James did telephone to the Kildare Street Club for Mr. Harrel. It also happened that the only person who told him anything about Mr. Harrel was yourself. Sir James states that you gave him the information that Mr. Harrel was at the Kildare Street Club?—I feel very strongly that I am correct in that.

1125. By Mr. Justice Mocree.—It is clear that you mentioned the Kildare Street Club in reference to the movement of General Cuthbert?—Yes.

1126. By Mr. Henry, &c.—At any point did General Cuthbert and Mr. Harrel leave the Castle as a taxi-car together?—No, they arrived together.

1127. By the CHAIRMAN.—I don't know what the relations of those people in Dublin Castle are, but did it occur to you that when Mr. Harrel had got a request to go over to the Chief Secretary's Office that he should have done so before leaving the Castle?—No, my lord. My impression of the circumstances at the time was that the Under Secretary and the Assistant Commissioner had understood each other, and that they had probably made some arrangement and had been speaking on the telephone, and that I did not know the meaning of it.

But you see it so happens that they had not.
1128. By Mr. Justice Mocree.—Any one in authority in the Castle who gets a message that he is wanted at the Chief Secretary's Office goes there at once?—If I got the message I would attend at once.

Chief Superintendent Dunne, D.M.P., examined by Mr. Wylie, K.C.

1129. Were you on duty, Mr. Dunne, about 1.45 p.m. on this Sunday?—Yes.

1130. Did you receive a telephone message from Howth?—I got a call from the telephone office that I was urgently required at the telephone office. I received a message from the Detective Office in Exchange Court to the effect that arms were being landed at Howth; that a large number of Volunteers were there and had taken possession of the pier, and that the couple of police who were present were powerless to interfere. That was the nature of the message I received.

1131. By the Right Hon. W. D. ARBUTHNOT—What time was that?—Between 1.40 and 1.45.

1132. By Mr. Wylie, K.C.—What did you do?—I immediately called up the R.I.C. Office in the Phoenix Park, and informed the Sergeant at the telephone of what I had been told. I then called up Mr. Harrel, Assistant Commissioner, at his residence in Marlborough, and reported the matter to him. He replied that he would communicate with the Under Secretary, and for me to communicate with the military authorities.

1133. What did you say to that?—I replied that I could not get the military authorities; neither at that time could I get to the R.I.C., so when I rang them up I had been twice put on to the Botanic Gardens.

1134. Some short time after did you get another telephone message from the Assistant Commissioner?—Shortly afterwards I was telephoned to engage three special teams, and send police by them to Howth to assist the police there. He first told me to try and get the military authorities, and I told him I could not get the R.I.C. to send an armed party. I then ordered the Superintendent of "A," "C," and "D" Divisions to turn out as many police as they could, and Inspector Barrett and 33 men as my own division I ordered also to proceed to Howth on trams awaiting them at Nelson's Pillar.

1135. Did you receive another telephone message at about 2.10?—Yes; at 2.10 I received another message from the Detective Office, that there were 2,000 Volunteers leaving Howth with rifles, marching in the direction of Dublin. I again communicated this information to the Assistant Commissioner, and he replied he was coming in at once. Shortly after I issued the order, I received another message from the Assistant Commissioner to instruct the men to seize the rifles carried by the Volunteers, but not to make any arrest.

1136. Now, did you send a message to the Chief Commissioner?—Will you let me go on as things occurred. I at once despatched cyclists to give these instructions to the officers in charge of the police. I should say it was about 2.40. I sent the message to the Chief Commissioner stating "I beg to inform you that about 2,000 rifles were landed at Howth to-day, and that about 1,200 Volunteers are now marching towards Dublin with them. The R.I.C. and the military have been informed, and three train loads of police are going out to intercept. The military are also going out to meet them. I have communicated with Mr. Harrel, and he told me to inform the Under Secretary that he was now coming here."

The Commission then adjourned till Monday morning at 10.30 o'clock.

1137. Did the Deputy Inspector-General of the R.I.C. call?—At about 2.20 the Deputy Inspector-General called to know if the military had been requisitioned.

1138. The Deputy Inspector-General asked if the military had been requisitioned?—Yes.

1139. Did you go with him to the Garrison Office?—Yes; I introduced him. I said "This is the Deputy Inspector-General of the R.I.C., and he is coming about requisitioning the military." He was told that the military had been ordered by Mr. Harrel, and that they were going to the Howth Road, and I understood Mr. O'Connell to express satisfaction that that would do for all.

1140. What time was that about?—About 2.25. Mr. O'Connell was asking me about the time the following day, and I told him I was not accurate about the time, and he said it was 2.25 the time we left the Military Office. I may be a couple of minutes out.

1141. Did the Assistant Commissioner arrive at the Castle by motor car?—Yes, at 2.40, to the best of my recollection.

1142. You had been in the Garrison Office before that with Mr. O'Connell?—Yes.

1143. And Mr. O'Connell had expressed his satisfaction at the fact that the military had been called out?—Yes.

1144. Were you present at the interview between General Cathbert and the Assistant Commissioner?—A portion of it. I was not at the commencement. I went to report to the Assistant Commissioner the steps I had taken.

1145. Did you and Mr. Harrel, after that interview with General Cathbert, leave the Castle in a motor car?—Yes.

1146. Is there any truth in the suggestion that Mr. Harrel left in a motor car accompanied by General Cathbert?—Not the slightest. It was not until the last moment I knew that Mr. Harrel was taking me. Mr. Harrel said—"Mr. Dunne, I am taking you with me," and I got into the motor car with him and drove away. I did not know I was going with him until that very moment.

1147. Before you left, did you hear Mr. Harrel giving instructions to Superintendent Lowe about taking a message to the Under Secretary?—I did, certainly. Just at the very last moment he said—"Mr. Lowe, see the Under Secretary, tell him how things stand, and say that I am very sorry I have not time to wait and see him."

1148. You and Mr. Harrel left in the motor car, and General Cathbert left in another motor car?—He did not come with Mr. Harrel and myself. I cannot tell you where he went.

1149. You accompanied Mr. Harrel down to the scene of action?—Yes. Mr. Harrel first called at Saxe Street Station and gave some instructions there.

1150. Mr. Harrel described what occurred at Clontarf, and I suppose you agree with his account of what took place?—Everything he said is absolutely correct, so far as my recollection goes.

ROYAL COMMISSION

INTO THE CIRCUMSTANCES CONNECTED WITH

GUN-RUNNING AT HOWTH, ON JULY 26TH, 1914.

THIRD PUBLIC SITTING.—MONDAY, 10TH AUGUST, 1914.

Present :—The Right Hon. Lord SHAW (Chairman); the Right Hon. Mr. Justice MOLONY; and the Right Hon. W. D. ANDREWS.

The Counsel engaged are :—

For the Corporation—SERGEANT SULLIVAN and Mr. P. O'C. WHITE (instructed by Mr. RICE, Law Agent).

For the Military Authorities—Mr. HANNA, K.C.; Mr. ATKINSON, K.C. (instructed by Messrs. BRADLEY and SONS).

For Mr. HARRIS, Assistant Commissioner of Police—Mr. DESIS HENRY, K.C., and Mr. WYLLIE, K.C. (instructed by Messrs. CASEY, CLAY & COLLINS).

For the Executive Committee of the Irish National Volunteers—Mr. LYNCH, K.C., and Mr. C. S. POWER (instructed by Mr. MICHAEL DAWSON).

For the next-of-kin of the three persons killed in Bachelor's Walk (Mrs. Mary Duffy, aged 56; Patrick Quinn, aged 46; and James Brennan, aged 18)—Mr. E. J. McELAGOTT, K.C., and Mr. J. T. DONOVAN (instructed by Mr. JOHN McDOWELL).

For persons wounded in Bachelor's Walk—Mr. JOSEPH O'CONNOR (instructed by Messrs. W. SMITH and SONS).

For the Crown—The SOLICITOR-GENERAL and Mr. REARDEN (instructed by SIR MALACHI KELLY).

When the Commissioners took their seats this morning.

The CHAIRMAN, addressing the Bar, said, Gentlemen, I would like if you would produce for my perusal the instructions issued to the Royal Irish Constabulary. If Mr. Solicitor-General would see that copies of these instructions were furnished to the Secretary of the Commission we should like them embodied in this day's proceedings, so that they might be available to the members of the Commission.

The Solicitor-General (Mr. James O'Connor, K.C.).—That will be done, my lord.

The CHAIRMAN.—While you are at it I would just suggest also for convenience that you would print for us a copy of the Proclamation—the entire text of the Proclamation.

The Solicitor-General.—That will be done also, my lord.

The CHAIRMAN.—I desire further to ask whether there were any instructions issued to the Dublin Metropolitan Police.

The Solicitor-General.—There were not.

The CHAIRMAN.—Will we take that as an accepted fact?

Mr. HENRY, K.C.—That is so, my lord.

The Solicitor-General.—I indicated to your lordship that there is a section and one of the statutes—

The CHAIRMAN.—I am coming to that. Will you be pleased to hasten to the following? Their lordships are desirous at the conclusion of the evidence in this case that they should have what assistance you are able to render them not only in the construction of the Proclamation, but also in the construction of the Customs Acts which they followed—with a reference to the various sections. We are obliged to Mr. Henry for his allusion to these—which was necessarily sporadic—in the course of the examination

of one of the witnesses. But we should like both sides of the Bar to construe the provisions of the Customs Acts upon that view—if the just view be what I ventured to suggest in the course of the previous discussion, namely, that the issue of the Proclamation converting acres imported into Ireland into contraband goods applied to those I mean did it follow from the Customs Acts, that the two or three provisions applied from that moment to those goods; and therefore we desire your assistance with regard to the various sections, including the penal provisions and those applicable to the seizure and the forfeiture of the goods?

Mr. ANDREWS.—We are not limiting you to any particular section. We would be very glad to have your assistance with regard to the Acts generally, especially with regard to the 26th Section of the Customs Consolidation Act of 1876—that is when you come to the class of persons to whom authority to seize is given.

The CHAIRMAN.—There is another department to which you would be good enough to attend. Their lordships desire to be informed or rather have your assistance in their own labours with regard to the position of the Dublin Metropolitan Police under the Dublin Police Act of 1870.

The Solicitor-General.—1870.

The CHAIRMAN.—The new situation that we wish to have illumined as well as you is as to the position of that force and its superiors relative to its government as such by, namely, the Lord Lieutenant, the Chief Secretary, and the Under Secretary. Who leads off to-day?

Sergeant SULLIVAN.—My friend informs me that the military gentlemen are not in attendance at the present moment. So I will interpose a civilian witness.

The CHAIRMAN.—Certainly.

JOHN P. MALLAGHAN called and examined by Sergeant Sullivan.

1151. Mr. Mallaghan, you are a soldier, are you not taken out your licence for some years?—Yes.

1152. You are on the roll of soldiers?—Yes.

1153. Do you remember this evening of Sunday, July 26th?—Yes.

1154. Were you in the neighbourhood of Bachelor's Walk?—I want to bring you to that point?—I was.

1155. Did you perceive the soldiers turning into Bachelor's Walk from a point nearer the opposite side of the river?—I saw them proceed into Bachelor's Walk from Butler's corner—from the corner at the side of the monument.

1156. That would be from the eastern parapet of O'Connell Bridge, and they would be marching down the western side of the Bridge?—Yes.

1157. Did you go to the opposite side of the river?—Yes.

1158. Did you go to the opposite side?—My attention was drawn to the soldiers—a column of whom were marching down the quay—I suppose it would be half as long again as the court. I saw a crowd following them. That crowd was composed of juveniles, boys and girls, as far as I could see, about 15 or 17 years of age, and about 40 or 50 in number.

1159. I want you, Mr. Mallaghan, to get rapidly to the point to which I wish to come—what did you do when you saw the crowd coming into Bachelor's Walk?—I saw the troops coming into Bachelor's Walk—half the length of this court, or the full length of it, and I saw a crowd of about 40 or 50 persons following.

1160. What did you do then?—I crossed O'Connell Bridge to the other side of the river, and went down by McBurney's.

1161. Did you get on to the Metal Bridge?—Wellington Bridge?—Wellington Bridge.

1162. I think that is the official title of the bridge, but I never heard its name before. Did you pass part of the way across the Metal Bridge?—About seven-eighths of the way to the north side.

1163. Did that afford you a view of Bachelor's Walk and the troops coming down it?—Perfectly.

1164. Did you get ahead of the troops at that point?—Yes.

1165. You were ahead of them?—I hurried to get ahead of them.

1166. When the head of the column was passing you, did anything happen?—Nothing happened.

1167. Did it pass by in the usual way?—Yes, at the quick march.

1168. At the head of the column approached, could you see the state of affairs that prevailed in the rear?—There was nothing unusual except the crowd. I told you about that coming into Bachelor's Walk behind them.

Mr. ANNEWS.—What was the crowd?

The CHAIRMAN.—A crowd of about 40 or 50, I understood him to say, consisting of boys and girls.

The WITNESS.—That is so.

1169. Mr. Justice MOLONEY.—Did you see any adults at all?

The WITNESS.—In Bachelor's Walk on that evening at that time would be coming from the hand purchase in the Phoenix Park.

1170. Mr. Sergeant SULLIVAN.—Both sides of the river were thick with civilians?—Yes.

1171. And what you spoke of as a crowd—were they in on the side walk or on the roadway?—Yes they were lined together—they were like soldiers.

1172. What distance intervened between the last rank and the foremost of the crowd?—When the last rank of the troops had passed what you call the north side of Liffey Street the crowd was below O'Brien's public-house—O'Brien's Bathing.

1173. Mr. Sergeant SULLIVAN.—Their landmarks may not be acquainted with O'Brien's public-house. Would that be a distance of about 25 yards?—About 30 yards.

Mr. Justice MOLONEY.—Is that the other side of Kebleter's corner?

Mr. Sergeant SULLIVAN.—Yes.

Mr. Justice MOLONEY.—Well, then, I know O'Brien's public-house.

1174. Mr. Sergeant SULLIVAN.—When they moved to the east side of Kebleter's corner, did you see a rank drawn up across the road?—I think a section was detached from the main body. A portion or section was detached from the main body which marched on at the usual pace. Some knelt like in a crouching position; others were standing behind.

1175. Were there any missiles being thrown?—Absolutely none, nor could they get within upon that road.

1176. Was there any noise going on?—There was cheering and shouting, and cries of "Go on, the Boys."

1177. The CHAIRMAN.—What was the cry?—"Go on, the Boys."

1178. Mr. Sergeant SULLIVAN.—When the military got into this position what happened then?—I heard some order given. I heard like the tone of the voice. What the words were I cannot say.

1179. And what followed?—The next thing a volley followed him blended into one report.

1180. Did that follow immediately after you heard the volley?—Yes.

1181. In the way you have mentioned. What was the time?—You could hardly count the time.

1182. Fired rapidly off?—Rapidly off. Then there was another volley, which followed afterwards, but that was like scattered firing. It sounded like repeating shots.

1183. Scattered firing?—Yes.

1184. What happened then?—The gentlemen behind—the officer behind, whatever he said they turned round, and the graces or main body proceeded towards the Phoenix Park. I may tell you that the officer was on the house side—that is, on the north line of the quay.

1185. On the opposite side of the bank to you?—Yes.

1186. The CHAIRMAN.—What side did you say?—On the house side.

1187. Sergeant SULLIVAN.—You were standing over the river on the Metal Bridge?—Yes; and when the order was given by the officer already alluded to returned to the men crouching, the order was given and immediately followed the report.

1188. How near were the soldiers, or did you see the people fall as a result of the firing?—I saw people staggering, but I could not realise such a thing taking place as falling.

1189. How near were the soldiers to civilians as the Liffey Street corner?—There was one actually touching them going by and coming from the Phoenix Park, and there was one at Liffey Street for it is a corner at which at any time you will see people standing.

1190. Did you see a woman falling at the Liffey Street corner?—I could not say. I saw people staggering and could not fix it in my memory. It was after I receded fully what happened. And had I known what was going to happen I would not be there.

Cross-examined by Mr. HEANEY, K.C.

1191. Well now, as well as you can remember how long had you the crowd under observation?—Which crowd?

1192. The crowd that was following the soldiers?—I said there was a crowd of 40 or 50 juveniles following the military into Bachelor's Walk.

1193. How long had you it under observation?—The time it would take the soldiers to march up. Then I got ahead of them, and I could not say the time.

1194. Would it be five minutes?—I could not say what time from Bachelor's Walk came to Liffey Street, but I had them in view half the way up.

1195. Do I understand your evidence correctly to be that as the soldiers turned into Bachelor's Walk you ran down and got on the bridge—in that correct?—I went at a very quick pace.

1196. From the time you took up your position on the middle of the bridge—seven-eighths of the distance towards Liffey Street?—I did not take up a position on the Metal Bridge. I wanted to go by.

1197. Were you standing for any length of time on the Metal Bridge watching the crowd?—No; I was not; I was not there fifteen seconds.

1198. I take it what you saw was while you were moving across the Metal Bridge?—I saw it coming along the Liffey.

1199. Did you see any crowd in Liffey Street?—I saw parties at the corner of Liffey Street.

1200. How many?—Well, there was about a dozen, and if you go up now you would see a crowd at the Liffey Street corner.

1201. Did you see any people running down Bachelor's Walk while you were watching the soldiers pass?—I don't say there would be.

1201. Did you see them?—I saw the soldiers in front of the bridge.

1202. Then you did not observe any people running down Liffey Street to watch the soldiers?—I could not observe them coming down Liffey Street, because I was standing on the middle of the bridge.

1203. Did you see them or not?—I could not see them, but it is not on the line of the street, as it is nearer to the Park.

1204. Did you see any soldiers in personal contact with the civilians prior to the firing?—I did not.

1205. And would you go the length of saying without your seeing it?—Things might take place without my seeing them.

1206. From the position in which you were?—From the position in which I was it would be a very strange thing if I had not seen it if a "scuffle" took place.

1207. Would you go the length of saying that a scuffle did not take place without your seeing it?—Which?

1208. Answer me—would you go the length of saying that a scuffle did not take place without your seeing it?—I would; as far as my knowledge would bear me out.

1209. Did you see any missiles of any kind thrown at the soldiers by the crowd from the time it left O'Connell Bridge until it reached Liffey Street?—I could not tell from the opposite side of the Liffey—as far as half way between O'Connell Bridge and Liffey Street. There may have been, but from that on the crowd was juveniles who were too far back from throwing any missiles at the Metal Bridge.

1210. Did you see anything thrown over the heads of the juveniles by the people at the back?—There were no people at the back.

1211. Did you see an officer prior to the firing standing a short distance in front of the firing section?—He was standing on the house side of the section or company.

1212. You are acquainted now with the appearance of Major Haig—you have seen him at the inquest and here?—I have not seen him here yet.

1213. You know the appearance of Major Haig?—I don't know him by name. I told you in reply to your question at the inquest that he was a stoutish man with a greyish mixture of hair.

1214. Did you see him at the side somewhat in front of the firing line at the house side?—I could not exactly say. He was within a yard at least of the front line.

1215. Did you see him lift his hand?—No, I did not.

1216. Could he have done that while you were looking at something else?—I could not say, but I

would think it very strange of him to lift his hand.

1217. Very strange to lift his hand?—Very strange for a military officer.

1218. Perhaps you saw him lifting his sword?—He had a sword in his hand.

1219. Did you see him lifting his sword?—No. The gentleman I saw had his sabre on the ground, and it made a jingling noise.

1220. Did you hear more than one order given by the officer?—I heard an order given by him, and the others turned round. He came next near the main body, but what the purpose of his order I could not hear; but it was immediately followed by a volley.

1221. You have indicated quite clearly before the time gave round that he gave an order?—Yes.

1222. You saw him addressing the soldiers after that?—I did not say an address. I said he gave an order; but I could not say if he gave an address.

1223. Did you see him detach any of the soldiers?—I did not see him.

1224. weren't you watching him?—Why would I watch him? I did not expect that.

1225. Were you watching him or not, or were you watching the crowd?—I was not watching the crowd or the soldiers.

1226. Were you watching the fun?—Watching the amusement as you would do yourself. Would you use the homely phrase that you were watching the fun?

The CHAIRMAN—We will take the longer word from him—amusement.

The WITNESS—Very well, my lord.

1227. Mr. HANCOCK, K.C.—What we gather from your evidence is that the children were jeering and booing at the soldiers?—They were shouting, jeering and booing.

Mr. HANCOCK, K.C.—Very well.

1228. The CHAIRMAN—You know Kaitchen's?—Yes, where the woman was shot.

1229. That was Mrs. Duffy's?—Yes.

1230. How far were the soldiers away from Kaitchen's when the discharge of snarebells occurred?—They were about a yard or so, but on the other side of the Metal Bridge on the side of the Phoenix Park.

1231. Was it the size of this court away?—I could not say.

1232. Was it twice the size of this court?—I would be five or six yards from the Phoenix Park side of the Metal Bridge. That is as near as I could say—I may be right or wrong.

1233. That is where this discharge took place?—Yes.

The CHAIRMAN—Thank you.

Miss MARY BURKE DOWLING was called and examined by Mr. P. O'C. WHITE

1234. Do you reside at 1 Fingal Terrace, on North Road?—Yes.

1235. Do you remember this Sunday in July?—Yes.

1236. Where were you on that Sunday?—I was at home in my own house, and I heard that the Volunteers went out from the City in very great numbers.

1237. Does your house adjoin the road?—Yes.

1238. There is a small garden between the North road and your house?—A garden about once and a half the length of this Court.

1239. When you heard that the Volunteers were coming up did you go out to see?—Yes.

1240. Was your mother with you?—She was.

1241. Tell us what you saw?—I saw a number of policemen on the road, and I asked some passers-by why were they there. I was told that guns had been got in at North, and that they had to come to take them off them, and that one-half of the police were under arrest by the other half.

The CHAIRMAN—That is very interesting. I would like you to tell your own story without any interruption; but let us come to details.

The WITNESS—I went out on the path, as I wanted to see what was going to happen. After a while I saw the Volunteers coming in on the North Road. First of all I saw the Volunteers—that is, individual Volunteers coming along on bicycles, and they turned back, and then the main body of the Volunteers came in

sight—I think at the same time as the trams at the end of the road left off the soldiers.

1243. You saw the soldiers getting off the trams?—Yes. I saw the soldiers getting down.

1244. The CHAIRMAN—Were there any police on the trams?—I did not see any.

1245. What about soldiers?—I saw two sections of police—one section on the path, a little below my house, standing in two of the street, under a superintendent. I know his appearance, but I don't know his name. There was another on the opposite path down from my house towards the Sea Road. The soldiers got off the trams, and they ran up the road to the Crescent. I did not know if there at the head of the Volunteers had ammunition or not, and I was very much afraid there was going to be a fight, and I suggested that some women who were there would get in between them, so as to prevent a fight.

1246. The Volunteers did not want to have any fight, you think?—No.

1247. They came along to Charlemont Road?—Yes, I think so. Promised to that I would like to say that the soldiers came after the policemen. One of the sections of the policemen went up, but did not stand across the road. They stood on the footpath opposite my house in two lines. When the Volunteers went round to Charlemont Road the policemen went back to the Crescent and the soldiers divided, and went down by the Crescent. I then got out on the path opposite my house, and when I saw them I went

up to the Volunteers to Charlemont Road. I told them to be careful, that the soldiers had gone to interfere there on the Malahide Road, the head of the Volunteers had gone into Malahide Road and of course the others had to follow. They said, some of them said to me, they also allowed to do it in Belfast and why should not we be allowed to do it. I then went back towards my house. I heard shooting going on. I could hear some from the Malahide Road. I also heard shots. I thought it was a volley, but it may have only been an echo that made me think so. Other witnesses have said that on the Malahide Road there were only two shots fired. At the time the soldiers on the Heath Road had been drawn across the road. The first row were on their knees prepared to fire. There was another line behind them standing. As far as I could judge from the soldiers' attitude, and the way they were looking out from the corner of Charlemont Road, I came to the conclusion that they were getting their sight ready to fire in case the Volunteers returned on the Heath Road. They did not do the sighting in the ordinary way it is done by the general public. The soldiers were more like taking the measure of the place, looking up and down. I said to my father—the inhabitants of the place were on the road looking on—that we should leave them. There was no warning of any kind given, and most of the people who were on the road withdrew inside their gates.

1267. The CHAIRMAN.—What did you say to your mother?—I said we better go down and see if they were going to shoot those men. She came with me and I went to the soldiers. I then saw that there were five lines of soldiers. There were two lines on our side of the road and two on the other side facing the sea. These two lines were each in the same position with the front line kneeling and the back line standing. Of course the two lines furthest from this place were towards the Sea Road. On the other side there was a body of policemen standing with their backs against the Crescent Wall two deep. They did not seem to be doing anything and I assumed from what I had heard that they were the men placed under arrest.

1268. The CHAIRMAN.—Your impression was that the police whom you saw there were apprehended?—I understood that at the time. It was only my imagination. I said to the soldiers on the path "Do you intend to shoot these men?" and they said "Yes, we do."

1269. Mr. WHITE, s.w.—Which men were you alluding to?—The men I meant were the Volunteers if they came back on the Heath Road. I cannot remember if it was only one man or several men made the reply to me because I felt a little indignant and annoyed at the thought that they were going to do it. Several of them said to me "If you do not want to get shot yourself get out of the way." When they said that I said it was a shame and that they were cowards. I think the expression I used was a pack of cowards. Several of them told me if I did not get out of the way I would get shot myself. An officer then whom I had not noticed before came in front of the soldiers and came towards me. He said to me "They will shoot." I am not quite sure whether it was that they would do when they get the order. I think it was "They will shoot if they get the order," and as I am and was I should like to give him the benefit of the doubt and say "if." I said they would be nothing more than cowards if they did. He said, or a voice said to me to get out of the way if I did not want to get shot. I said to him that I had not the slightest intention of getting out of the way, and that I was an Irishman, and was no more afraid than were Irishmen. I waited

there a little while, and as I saw there was no sign of the Volunteers on the road I returned into my house through a vacant house near door. I saw a number of people seen round these lying rifles, and a man was pointed out to me who got a bayonet stab. I did not see it myself, and it was said the man was afraid to go to hospital lest he should be arrested.

1270. Mr. WHITE.—You say you saw police who appeared to be placed under arrest?—I was told they were.

Examined by Mr. ATKINSON, s.c.

1271. Miss DOWLING, what is your occupation?—I live with my mother. I have not any special occupation, but I do some private teaching.

1272. Are you connected with any organisation, political or otherwise?—May I answer that question, my lord.

The CHAIRMAN.—I don't see what bearing it has on the case.

Witness.—I don't mind answering the question at all.

Mr. ATKINSON, s.c.—I won't press the question. Witness.—I am not a member of any Nationalist organisation.

1273. Mr. ATKINSON, s.c.—You cannot tell us whom you spoke to among the soldiers?—I spoke to the officer.

1274. Do you know his appearance?—He is tall.

1275. Do you know his name?—No.

1276. Have you seen him since?—No.

1277. You told us you held converse with an officer?—Yes.

1278. And you don't know his name?—No.

1279. Had you a conversation with any others?—I had with the soldiers there.

1280. And the officer was there in your time?—Yes.

1281. And I suppose he heard the conversation?—He must have heard us. He came forward and evidently took all responsibility himself.

1282. Anyhow these men did nothing but stand there?—They were kneeling and standing, and took sight to shoot. I don't know, my lord, if I said that the officer said to the men, "Don't shoot till you get the order."

1283. The CHAIRMAN.—What you did say was that the men said they would shoot if they got the order?—Yes, what he said, I think, was, "Don't shoot till you get the order."

1284. Were these men who made up the Irish National Volunteers of a respectable class?—Yes; they seemed to me to be respectable.

1285. When the soldiers deployed on the road, kneeling and standing alternately, I presume your opinion at the time was that they were to shoot the Volunteers if they advanced?—If they came back on the Heath Road. They had gone to the Malahide Road.

1286. Then the policemen were ranked up on the side of the road?—Behind the soldiers.

Sergeant SULLIVAN.—We have not so far gone into the matter of the subordination of the police, and I don't know if it is the intention of the Commission to investigate it. There was undoubtedly some subordination which consisted in the dismissal of two men. The matter can be cleared up without any difficulty.

The CHAIRMAN.—What the Commission would want to know is what the policemen were asked to do, and why they declined. And we want that information first hand. The Commissioners are of opinion that they should not take the matter second hand.

Sergeant SULLIVAN.—Very well, we shall have all that. We will produce the constables.

THOMAS JOHNSON, Examined by Sergeant SULLIVAN.

1287. What part of the world do you come from?—Belfast.

1288. You are Chairman of the Executive Committee of the Irish Trades Union Congress?—I am.

1289. And did you happen to be in Dublin on Sunday, 26th July?—Yes.

1290. Would you kindly tell us what happened and what brought you to the scene at Charlemont? Did you see soldiers passing in transit?—I was on the Fairview road and saw two train loads of soldiers,

and as I had heard about a half-hour earlier that some guns had been landed at Howth, I concluded the soldiers were going out there on business. I immediately jumped on a train in front of the two trains with the soldiers; they did not go far. The Volunteers appeared. The train stopped and the soldiers got out. I also got out and went in front. I saw the soldiers that had already arrived and the police that were there already on the spot. They met the Volunteers or were on the point of meeting

them when the Volunteers turned up another road. Then both police and soldiers turned back and evidently went round the circular road and re-occupied the Volunteers. I followed after the Volunteers into the Malahide Road, I think it is called, and remained there until the soldiers left.

1271. *Sergeant Sullivan*.—Were you present at an interview between Mr. Harrel and the Volunteers?—I overheard a conversation.

1272. Do you know Mr. Harrel?—No.

1273. But you heard the conversation between him and a Volunteer?—Yes.

1274. Did you see the man to whom Mr. Harrel spoke?—Yes; it was Mr. Hobson; I knew him by sight, and a gentleman to whom Mr. Hobson was speaking, I can only guess at his identity. The Volunteers were stopped by some of the officers of the police, and Mr. Hobson went up to one of them.

1275. Did you hear what was said, or part of it?—Yes; part of it.

1276. What did you hear said?—I heard Mr. Hobson say these men would go back by another road to the town if that was required, and I heard an officer say "We must have these guns or rifles."

1277. By Mr. Justice Molloy?—Was that a police officer?—He was in plain clothes.

1278. Would you know his appearance?—

1279. By the CHAIRMAN.—Do you know Mr. Harrel?—I don't know him.

1280. Do you think you would know the man if you saw him again?—

[At the request of the CHAIRMAN, Mr. Harrel here stood up in Court.]

[Witness.—I think that is the gentleman.]

1281. *Sergeant Sullivan*.—What did you hear?—I heard the conversation go on between Mr. Hobson and the other gentlemen. Something was said about ammunition, and Mr. Hobson said—"I have sent it another way." Mr. Hobson also said "If there is any attempt to disarm these men it will lead to a riot, and you will be responsible."

1282. By the CHAIRMAN.—What did Mr. Harrel say?—I don't know what he said; I was not near enough to him.

1283. *Sergeant Sullivan*.—Did you hear any further part of the conversation?—There was a conversation for about two or three minutes. I didn't hear the remainder.

1284. What was the next movement?—I heard somebody say to the police that they were to get rifles and take charge of them, or seize them, or words to that effect.

1285. By Mr. Justice Molloy.—Was it to the police this was said?—I think so; the police ran forward and a struggle took place.

1286. *Sergeant Sullivan*.—We need not go into the incidents of that struggle, but you, on account of your time being occupied by these various incidents, you did not notice the military at all?—No.

1287. And you did not see any bayonets used?—No.

1288. By the CHAIRMAN.—What you saw was between the police and the Volunteers?—Yes.

1289. By *Sergeant Sullivan*.—And the witness watching this did not notice the conflict between the soldiers and the Volunteers?—I was watching the struggle between the police and the Volunteers.

1290. And during that did you notice a couple of revolver shots?—I heard two shots; they were like revolver shots. They went off in quick succession.

1291. Did you see anything after that?—I saw a soldier limp across the road.

1292. Yes; that is common sense. After the scuffle was over the Volunteers disappeared. They in all events went away in some direction or other?—Yes.

1293. And after the Volunteers had gone what happened?—The soldiers walked down towards the sea road—the corner from which they came, the tram car corner.

1294. And what happened then?—They remained there for half-hour, or probably longer.

1295. Did you hear any observation by any member of the military party about the circumstances under which they came there?—I did.

1296. What did you hear, that is, before they left the Malahide Road, while they were waiting there?—That before the scuffle?—I was after.

1297. And before they left the road?—Yes. There was pretty free conversation between some of the military and some of the people. I heard one of the military—I think he was a sergeant-major, or colour-sergeant, he was a senior non-commissioned officer—and he said to one man—"Well, we have got one hundred rounds of ammunition each, and by God if they want it they shall have it."

1298. Did you see military down O'Connell Road—the sea road?—Yes.

1299.—Were they halted then near Fairview?—Yes.

1300. Were they there a considerable time?—Yes.

1301. How long, so far as you can judge?—I cannot be precise as to minutes. I should say about a half hour.

1302. Did you see a crowd collect?—Yes.

1303. What was the attitude of the crowd?—It was friendly and good-humoured in general. Some were talking and chatting with the military. Some were saying that that would not happen in Belfast, and what happened in Dublin that day might happen the next week in Glasgow.

1304. By Mr. Justice Molloy.—That was while they were standing?—Yes.

1305. By *Sergeant Sullivan*.—When the march commenced to the city did a crowd follow?—Yes.

1306. After you passed the mature words did you notice anything more than laughs and jests?—Yes, I noticed one boy throw a stone.

1307. What was the composition of the following crowd in the main?—There were adults on the foot-paths, boys and some girls on the middle of the street. There were a number of stones thrown. I stepped one or two boys, but the stone-throwing was entirely by boys and youths. Only an odd girl threw a stone. It was not a thick crowd; it was scattered.

1308. Did you see the employment of the soldiery to repel the crowd?—I did.

1309. What was done?—I saw them turn and make occasional charges with their bayonets fixed.

1310. Where did these charges commence so far as you remember?—Well, I don't know the road well enough to be able to say.

1311. Did you see a newspaper shop owned by a man named McGuire?—I did.

1312. Did you see anything happen at that point?—I did. I saw a soldier follow one of the crowd. Two or three ran into the houses, and the door was then closed. The soldier stood outside at the shop-door with his bayonet fixed, and he was evidently excited. I think he was going to put it through. An officer came up, and tapped him on the shoulder, and sent him off.

1313. Were there any police to be seen anywhere?—No.

1314. Could the stone-throwing section of the crowd be controlled by the police?—Yes; I thought if there were a half dozen men there they would have stopped them. There were some but a few boys throwing stones. If there were anybody there in authority it could have been done.

1315. Did you accompany the soldiers and see them turn into Bachelor's Walk?—I went on behind, and stopped at the G.P.O., and shortly after that while I was standing at the Post Office I saw a charge into O'Connell Street. I then went afterwards to Bachelor's Walk, and got on a tramcar.

1316. How far ahead of you then were the soldiers?—I suppose about 200 yards.

1317. Could you see what happened between you and the soldiers and the bridge?—I could.

1318. Would you describe it?—It seemed to me that the crowd was much smaller than when in Talbot Street. When the soldiers came into O'Connell Street there was some little excitement of the O'Connell Bridge. The crowd was much smaller than at any other period, smaller than when passing Amen Street Station.

1319. Were you in a position to see if missiles were thrown in Bachelor's Walk?—I cannot say. I was not near enough to see.

1320. You were on a tramcar at the time?—Yes, but I had my attention directed to the crowd on the bridge itself where they congregated.

1321. Did you hear drag?—I did.

1322. Did you see the effects of the fire?—
1323. Assailed by Mr. Hanna, &c.—I think you located the stone throwing at the Massacre Walk?—I saw stone throwing at one of the bridges.
1324. Would I be correct in saying that the stone throwing became worse?—Well, from the first stone that was thrown it became worse.
1325. When you saw the stone throwing, did you caution the boy about it?—I saw one throw.
1326. You came right along with the crowd?—Yes, I followed.
1327. And during the time you took coming from Annesley Bridge to Annesley Street Station, did you see any stone throwing? I saw two or three boys throw stones.
1328. Did you see respectable-looking people take part in the looting?—At that spot—
1329. At any spot?—I heard looting when the soldiers were leaving Fairview. That was the only looting I heard.
1330. So that your evidence is that there was no shooting nor looting beyond what you say you heard when the soldiers were leaving Fairview?—No; not any that was noticeable.
1331. Were you in the front of the crowd or in the rear?—I was on the footpath when the people were passing. Some were in front of the military and some were behind. It was not a compact crowd. It was, at the same time, a crowded thoroughfare; just as you would see in any main street.
1332. I would like you to locate your position, Mr. Johnson—I don't suggest that you were of the crowd—but in what part of the crowd were you; were you in the middle of it?—I did not follow them; I was simply walking along with people in front of me and people behind.
1333. I mean when you got up to Talbot Street?—
1334. The Curran's.—Mr. Johnson, it was in the main a crowd that might be expected under ordinary circumstances on the side walk?—Yes, my lord; pedestrians. Of course, there were people following the soldiers. There was no crowd attracting attention to the soldiers, and there was no crowd throwing stones.
1335. Mr. Hanna, &c.—You did not see anything of what happened in Talbot Street?—I was only there a short space; I was only looking up—
1336. Now, Mr. Johnson, in O'Connell Street, opposite the General Post Office, did you hear the crowd looting the soldiers there?—No. I cannot give any evidence about that, except that I went to the General Post Office, and immediately came out and stood at the door. I saw the soldiers about the D.B.C. rooms partly turning and rushing.
1337. You say they actually were charging?—I presumed that that was what they were doing.
1338. Is it your evidence that at the time of the charge, or while it was being made, there were no cries in the nature of cries of fear and despair shouts from the people?—I cannot say anything about that.
1339. Your attention was directed backwards; you were not looking down?—Well, I was on the top of the car. I heard a shot, and saw a crowd rush.
1340. It is a fact, Mr. Johnson, with reference to the evidence you give, that you did not see any missiles thrown in Bachelor's Walk?—
1341. The Curran's.—I want to make this quite clear, Mr. Johnson—When you saw the soldiers with

fixed bayonets they were in a state of great excitement?—I think so.

1342. Did the officer observe that excitement amongst his men, do you think he could have observed it?—I think so.

1343. Apart from military regulations, Mr. Johnson, did you conceive it was that such men should be proceeding with loaded rifles?—It was the least thought in my mind that such a thing could be so. As a matter of fact, when I heard the shot, I could not understand it at all. It was an extraordinary thing to think that there was such a thing.

1344. I wish to ask you, Mr. Johnson, this. Will you please assume that the conduct of the crowd was of the same kind, of the same degree, in Bachelor's Walk as you had observed it in other places?—Well, yes; you are dealing with the character of the crowd—

1345. Assume that their conduct, the conduct of the crowd, in Bachelor's Walk was what you have described what it was in other places, is it clear to you that it caused any occasion for the extreme measures or anything of that sort?—Absolutely none.

1346. Did it occur to you that the troops were in danger of their lives?—Certainly not. I am not sure if I did not mention it to a man that if only four or five had only stopped and let the rest get into a humber no damage would have occurred.

1347. Did it occur to you at the time that the soldiers were in danger of incurring serious bodily harm by the action of the crowd?—It did not. I have seen more stones thrown at a football match in Belfast, and the game continued, and as far as I could see—

1348. Have you been the referee on such occasions?—No, my lord, I have not.

1349. I am very anxious in getting your view, Mr. Johnson, on this; we take it from you, you very frankly told me you cannot give personal evidence of the actual occurrence in Bachelor's Walk, but assume that it was somewhat like what you saw in other places, did it occur to you that there was the slightest probability of loaded rifles being used on the crowd?—It did not, certainly.

1350. You told us that stones were thrown; did you see what size those stones were?—Well; they were generally small stones; they might be a couple of inches by an inch, my lord—

1351. There was a stone produced to me on Saturday by an officer. It was four inches long, about, and about two inches thick, did you see any stone about that size?—I cannot say that I did.

1352. My facts are not very large, but the stone produced by the officer was about the size of both?—There was nothing in Fairview of that sort; I should think not.

1353. Were there any bottles?—Well, I was practically through all that, and it could hardly occur without my seeing it.

1354. Were there any stones in the nature of half-bricks?—No.

1355. Mr. Justice Maugham.—It was observed that there were stones such as might be used in the building of a boundary wall, for instance; were there any building spears going on about that neighbourhood at the time?—I did not notice any. It seemed to me that boys were picking up stones that were already thrown, and they threw them again. There were not a great many stones thrown on that particular occasion.

MICHAEL MCGRANE, examined by Mr Sergeant Sullivan

1356. Mr. McGrane, have you an establishment, No. 8 North Strand?—Yes, sir.

Mr. Sergeant Sullivan.—Perhaps the North Strand has been already indicated to your lordships; it is on the road from Fairview.

Witness.—That portion from Newcomen Bridge to Seville Place. After that it is generally called North Strand Road.

1357. Mr. Sergeant Sullivan.—Do you remember an incident happening on the march of the troops onwards on this Sunday in question?—Yes.

1358. Very well; would you describe what happened outside your establishment?—I was standing at the door about 15 minutes past 6, when, coming across

the Bridge, Newcomen Bridge, I saw a detachment of troops.

1359. The CHAIRMAN.—What business do you carry on in your establishment, Mr. McGrane?—Tobacco and newsgirl.

1360. Mr. Sergeant Sullivan.—Yes, now, Mr. McGrane, continue to describe what you saw?—Yes. Immediately coming down the North Strand they passed my door, and another detachment of troops—a large detachment, as far as I could see—followed them, two hundred yards behind. They came down opposite the door, and a crowd of youngsters, of 10, 15, 11, or 12 years old, were firing stones, small stones about the size of a marble. They passed the door, and the stone-firing ceased. After Seville

Place was reached two stones were fired. The taller officer got one of them and fired it back on the crowd. He immediately gave the word of command to charge, using filthy expressions. The people rushed towards my shop. A considerable number rushed towards the door. I was taken in with the rush into the parlour. I got out again immediately. A soldier rushed into the shop, and as I was going to close the door he made a lunge of his bayonet at me. I took up a small ladder to repulse his attack, and it was split at the top.

1361. Mr. Justice MOORE.—By the bayonet?—Yes. I then went to shut the side door, and a soldier rushed at me and made two lunges of his bayonet and pierced and split the panel of the door.

1362. Mr. Sergeant Sullivan.—Were they then called by the officers to come off?—Well, after a moment an officer came and called him along.

1363. The CHAIRMAN.—Was this in the room?—Outside the door, my lord, one of the crowd, I should say, got a thrust of a bayonet in the thigh. It cut his trousers. His name is Denny, and he lives at Phibsboro'.

Cross-examined by Mr. ATKINSON, &c.

1364-5. Mr. McGee.—You only saw the soldiers coming over Newcomen Bridge, and passing the door. Therefore, you had them only under observation for a short time?—Going along to Seville Place.

1366. How long, approximately?—Oh! it would take about a minute; they were walking at quick march.

1367. And, there was a considerable crowd, I suppose, there?—The ordinary crowd on a Sunday, a large crowd coming from the Band at Rialland, now reclaimed land. Of course, when they heard the Volunteers going down, the crowd was more considerable than usual.

1368. I am taking what you said: you saw a crowd following the Volunteers?—Not any crowd—only about 35.

1369. About 35 people?—Well, 25 or 35.

1370. Were they boys or girls?—They were a mixture; some were girls, some boys, lads.

ALFRED BYRNE, Alderman, examined by Mr. P. O'C. WHITE.

1388. You are an Alderman of the Dublin Corporation?—Yes, sir.

1387. And you remember this Sunday in question?—I do, yes.

1386. Whereabouts were you?—Well, I took the bicycle and joined the crowd in Gardiner Street.

1385. In Gardiner Street?—Yes, in Gardiner Street; that is in Talbot Street, where Gardiner Street intersects at both sides.

1384. Now, when you came up to that corner of the crowd did you see any military there?—Yes; the military were there, and there was a crowd of children there following them, singing, jiving and jugging. I got between the children and the military, trying to keep back the children. There was a considerable number from my own neighbourhood. I went up close to them, and I thought I could put them off. Against I reached the Nelson Pillar I got a good deal of them off.

1391. Were there any adults in the crowd?—Well, it was the usual Sunday evening crowd on the footpaths. When they saw the soldiers coming, they went to the edge of the path to see them coming along. I followed the soldiers then. I saw that, between them and the people, there were still some children, and I was trying to force them back. As the soldiers got up Earl Street, the rear range broke away, so I did not think they were all together at this point.

1392. The CHAIRMAN.—Was this in O'Connell Street?—Yes, my lord; the rear range of the soldiers broke away from the whole body, and made thrusts at the people with bayonets. Then I heard an officer, I think, call "Halt." He ran after those who were using bayonets on the people, and said, "Come back, you scoundrels." He called them names.

1393. Mr. Justice MOORE.—They came back, did they?—Yes; there was an encounter with two men at the corner of Earl Street.

1371. And, evidently, the military were suffering under great excitement?—They did not seem so at that point.

1372. Were they excited?—They seemed to be uncontrollable at that point, at any rate.

1373. Therefore, they must have been excited?—I cannot say that.

1374. And what do you suggest would be the cause of the excitement?—Well, I suppose it was the backing, as they were going along.

1375. And the treatment they received?—I cannot say that they received any treatment. I even got some shots myself coming down.

1376. You said that they were hit with stones?—I saw small stones fired, practically hopping off the bayonets.

1377. Those stones were fired at the military?—I presume they must have been fired at the military when they were hopping off their bayonets.

1378. The men got hit with those stones?—Well, I did not think they were very seriously hurt.

1379. It was negligible to your mind, I suppose?—I don't say that.

1380. The CHAIRMAN.—Mr. McGee, during the time you witnessed this fracas, did you consider there was any danger to the life of any of the soldiers?—No; I don't think there was any justification for the brutal incident.

1381. That is not my question. My question is whether you consider that the stone-throwing of the crowd endangered any soldier's life?—Not at all, my lord.

1382. In your opinion, did any of the soldiers of the crowd put the soldiers in danger of serious bodily harm?—No, my lord.

1383. I gather from you that it occurred to you, at the time, owing to the conduct of the soldiers, that they were rather out of temper?—In my mind, my lord, it seemed that they were out for blood.

1384. You see, I would prefer that you would consider the expression I put to you: you say that they were out of temper?—Considerably so.

1385. And, being out of temper, they were out of hand?—It seemed so.

The CHAIRMAN.—Very well; thank you.

1394. Mr. WHITE.—What stone-throwing did you see, Alderman BYRNE?—In O'Connell Street there was no stone-throwing. In Earl Street there was a bundle of bananas thrown.

1395. Mr. Justice MOORE.—Bananas?—Yes.

1396. Do you mean whole bananas or banana skins?—Whole bananas and banana skins, my lord.

1397. Mr. WHITE.—The streets in this part of the city are mostly paved; some are altogether paved?—Yes; Talbot Street is asphalted; other streets are paved with wood.

1398. The CHAIRMAN.—What streets?—Talbot Street, Earl Street; some of the streets are asphalted, others are paved with wood.

1399. Mr. WHITE.—Now, along from that, what is the next street that has wood pavement or asphalt?—O'Connell Street, from Earl Street, is paved with stone walls.

1400. Now, Alderman BYRNE, you know the side streets in this part?—Yes; I know all the side streets.

1401. Are these side streets paved?—They are all paved, every one of them; with the exception, I might say, of Portland Row, which is macadamised, of Mr. McGee's place on the North Strand Road; practically a mile away from O'Connell Street.

1402. Do you know of any place where the people could get stones?—Only in Portland Row, a mile away from O'Connell Street. There are no loose stones. That is the only macadamised street I can think of about there.

1403. Are there any yards or gardens which would have those small stones coming along on the route?—No; none whatever.

1404. Mr. Justice MOORE.—Was there evidence of any building operations going on in that neighbourhood?—From the North Strand to O'Connell Bridge there is no building at the present moment.

1405. Mr. WHITE.—Now, Alderman BYRNE, describe what you saw when you came on to Sackville Street,

et, as you call it, O'Connell Street—I met another young man immediately after the soldiers broke away, and I asked him would he help me to put back the children. I suggested to him that he ought to be on friendly with the officer and ask him to keep his men under control. He left that to me, and I attempted to do so, but in the rush the officer brushed me aside and brought his men back and ran on and followed the main body.

1406. The CHAIRMAN.—You communicated with the military officer?—I attempted to do so, but he brushed me aside.

1407. Mr. Justice MOCCRY.—He was running to catch up to his men?—Yes.

1408. And then they ran and joined the rest of the soldiers?—Yes.

1409. Mr. WILKES.—Just tell my lords what you saw occurring in Bachelor's Walk?—Well, the people would be about 50 yards behind me; I still kept in front and the rear rank of the soldiers was 10 yards in front of me. I kept near the soldiers the whole time and followed them down Bachelor's Walk. There was a considerable number of people—I think two trams had arrived from the Park at the same time. It was the end of the journey where the people were getting off. There was a considerable number of people at O'Connell Bridge at the time I stand from the Park. They did not seem to mind; they only looked at what was going on.

1410. Very well; now, before you leave that, the whole of Sackville Street down to Bachelor's Walk is also paved?—Yes; also paved.

1411. And all the side streets there are paved?—Yes.

1412. Now come to where you stopped—at the tram?—I might mention that, at the first turn—I think it is called the North Lotts—is also asphalted, as you come into Bachelor's Walk.

1413. Very well?—Now, I followed the crowd. Children were digging and they were peering and jugging the soldiers in Bachelor's Walk. There was no stone throwing. As the soldiers reached the Metal Bridge at Kaitcher's corner, the crowd were still about 30 yards behind. The footway was pretty well packed with the people coming from or going to the Park.

1414. Was there a motor car there at the time?—Yes; I was just coming to that point. Without the slightest warning, in the space of a second, as they reached the corner of Liffey Street they turned around quickly, and the front men were on the knee with pointed rifles.

1415. That was turning towards O'Connell Bridge?—That would intimate that they were turning towards O'Connell Bridge. I had just time to jump off the bicycle and throw it against the Metal Bridge.

1416. The CHAIRMAN.—Were you on a bicycle?—Yes; I had been on the bicycle.

1417. Mr. WILKES.—You got off the bicycle and left it against the Metal Bridge?—Yes.

1418. You had been on your bicycle; were you on it the whole time?—No; portion of the time I wheeled it, and another portion I was riding it. As I reached Kaitcher's corner there was a motor car behind me. It was immediately behind me, and as it stopped for the space of a second, there seemed to be a few words pass between the chauffeur and an officer, and the soldiers stood up and let the motor car pass. Immediately as the car passed, they dropped on the knee again, and like that (making a noise with his fingers) I heard one shot, then two or three immediately after, and then a complete volley.

1419. Now, did you see the effect of that thing?—Well, no; not at that time.

1420. Continue on that?—I was just standing myself right on the step of the Metal Bridge after the first volley. It was not a complete volley. I could see a woman, practically with her back in against the window, like as if in a sitting position.

1421. This was Mrs. Duffy?—Yes, Mrs. Duffy, sitting on a ledge of the window, practically with her back against the window, up against the window. Immediately the volley ceased I saw the woman give one step out like passing the soldiers. At the time I thought it was blank cartridge they were firing. Even so, I thought the was in a dangerous position, even if it was blank cartridge, because the nearest rifle was only three yards away. I rushed across from the place I was standing at the Metal Bridge, to pull

the woman around the corner. Just as I caught hold of her, I could hear another volley go off. As I reached the woman another volley went; she threw up her hands and went down on her knees. I tried to hold her up, and two men seemed to be rushing from the far corner of Liffey Street—Mr. O'Brien's corner—as I thought, to assist me to hold up Mrs. Duffy. The next minute I could see two soldiers down with the butt-end of their rifles attacking a man. There seemed to be a regular scuffle between two soldiers and two men. I was on my knees trying to hold up the woman as the soldiers and the men were practically fighting. With the aid of two men, I carried Mrs. Duffy to Jervis Street Hospital.

1422. When the two soldiers came over, did you see any soldier on the ground?—No; there was no soldier on the ground. I think, at least, the rear rank of the soldiers which was in front at the time of passing me, might have suddenly thought that the men were going for them. They had fired bayonets at the time. The two men, I presume, were running to me to rescue Mrs. Duffy. When I held her up, the butt-end of a rifle went over my shoulder; I did not get it. I almost got it.

Mr. WILKES.—Continue your story.

The WITNESS.—When Mrs. Duffy fell to the ground I called for assistance. I left my bicycle on the roadway, and I carried Mrs. Duffy with the aid of a few other men; I carried her to Jervis Street Hospital. I should say that about eighteen or twenty other people came immediately to the hospital after me.

1423. You received no injury yourself?—No; I got no injury.

1424. The CHAIRMAN.—How far had you to carry this woman?—It was not much more than five minutes' walk from the place where she was shot to the hospital.

1425. Mr. WILKES.—You were between the crowd and the soldiers the whole way from O'Connell Bridge to Kaitcher's corner?—I was in that position practically all the way from O'Connell Street.

1426. And you say you kept back a number of people?—Yes; I succeeded in keeping a fairly good number of children back.

1427. If stones were thrown at the soldiers would they have to pass over your head?—Possibly. If stones were thrown they must have passed over my head, but I didn't see them.

1428. Were you near the military?—I was within ten yards of the rear rank of the soldiers during the whole of the march from Gardiner Street.

1429. And though you were so very near the soldiers the whole time you were not struck by a stone or anything else?—I was not.

Cross-examined by Mr. Hanna, K.C.

1430. Do I understand you correctly to say that you lifted up Mrs. Duffy between two volleys?—After one shot a volley was fired. I crossed the road and another volley was fired.

1431. I suggest that when you crossed the road in front of the soldiers it was after the firing had concluded, and Mrs. Duffy had been placed against the wall of Kaitcher's shop?—No, sir, that is not so. I thought the firing was over, but as I reached her another volley went off.

1432. Did you hear a witness say that Mrs. Duffy fell in the centre of the roadway?—No.

1433. Am I right in suggesting that your observation is a little at fault under such conflicting circumstances?—No; I was perfectly cool all the time.

1434. Did you observe respectable people looking and shouting at the soldiers?—There might have been looking.

1435. I want a perfectly candid answer to this—did you see respectable-looking people looking?—I did not. I was more interested in the children trying to get them out of the way.

1436. I know your story perfectly well; did you see any respectable people throwing bananas or burning stones?—I did not.

1437. You object to the suggestion that you were leading them mob?—There was no mob there.

1438. Did you hear looking and cries of "Go on the Barrs"?—I heard looking, but I did not hear that cry.

1439. Did you get a "Stop Press" paper in the progress of your march?—I did not.

1440. Had you heard that the soldiers had fired at the Volunteers at Clontarf?—I didn't hear that. I am not speaking of what happened at Clontarf; I am speaking of what I saw from Talbot Street to Bachelor's Walk.

1441. Did you believe at the time you joined the mob in Talbot Street that the soldiers had fired on the Volunteers at Clontarf?—I had heard of it. I had heard innumerable rumours at my own place, before I left at all.

1442. Did you believe that the soldiers had fired on the Volunteers?—I can't say that I believed it.

1443. And may I take it that during all that time that you were in contact with that crowd you didn't observe anyone shooting, but that you only heard it?—Practically all the children were shouting.

1444. What age were they?—Practically from eight to sixteen—eight, twelve, fourteen, and sixteen.

1445. Did you notice any of the well-known rowdy element of Dublin in the crowd, up to 18 or 20 years of age?—I did not.

1446. And if they were there they were probably behind you?—Yes, if they were.

1447. When the firing took place at Liffey Street you were at the Metal Bridge?—I was stepping on to the bridge when the first shot went. I thought when I saw a soldier go on his knee that it was only a threat, and I think that if the officer in charge had made some small statement to the crowd, and it would have put them back.

1448. Hadn't you tried to put them back?—Yes, and I succeeded a good deal.

1449. Don't you think that an Alderman of the City of Dublin should have some influence with a crowd of that kind that an unknown officer?—Well, even an Alderman is not known all over the city.

1450. Can you give us the names of some of those to whom you spoke?—I know them by appearance, but I do not know their names.

1451. Can you tell the name of anyone who heard or saw you reprimand any person in the crowd?—I didn't say I reprimanded them.

1452. Can you give me the name of any person who heard or saw you asking them to desert?—I can not. If your question appears in print, you will possibly get one hundred or two hundred persons to answer that.

1453. You thought it was a mere demonstration the soldiers were making at Liffey Street?—I thought it was a demonstration; I thought they were giving a warning, as they should have done.

1454. A demonstration of what?—A demonstration in the nature of a threat. I thought they would not fire, considering the little provocation they got. I didn't believe they had half cartridges.

1455. Did you think when the soldiers went on the knee that it was not a threat to the crowd that if they didn't desert they would be fired upon?—I did.

1456. And there was no necessity for firing?—No.

1457. How near to you was the nearest soldier?—About ten yards.

1458. How near was the officer?—I was practically up against the motor car as the officer made way for it.

1459. Then you were quite close to him?—Yes.

1460. And you say that no stones were thrown by any of the crowd in Liffey Street?—I didn't see them.

1461. If you thought that this was a threat to fire upon innumerable people, why didn't you speak to the officer?—My dear sir, the men were on their knees before anyone was aware that a shot was fired, and I had attempted, before that, in O'Connell Street, to communicate with an officer.

1462. What was he doing?—He was calling his men back.

1463. Was that the time they were in conflict with two civilians?—They attacked two men in O'Connell Street.

1464. How far were you behind them then?—I was up against them.

1465. Did you see any cause for that attack?—I did not.

1466. And may I sum up your evidence to be that you saw no reason for the soldiers doing anything, is that so?—Not to fire half cartridges.

1467. Did you see any justification for demonstration, or firing, or firing?—No.

1468. Mr. White (to witness).—I don't know whether my friend suggested that you were leading the crowd?—It is the second time that he suggested it. I saw no mob. There were about forty or fifty children, and if I had anyone with me I could have got them all back.

1469. Were you meeting any person in the sense of passing the military that day?—No.

1470. The Chairman.—During most of that time, from Gardiner Street to the fatal spot in Bachelor's Walk, were you between the rear rank of the soldiers and the advancing crowd so-called?—I was.

1471. If these missiles had been numerous or serious were you in a position to get your share of them?—Well, they might have passed over me.

1472. How far behind the rear rank of the soldiers were you?—About ten yards.

1473. How far behind you was the crowd?—About twenty yards.

1474. And was that distance preserved until you got into Bachelor's Walk?—Yes; almost till we reached the tram station at O'Connell Bridge. There was a bigger crowd at O'Connell Bridge, and that was caused by the people getting off and getting on the trams.

1475. Let me ask you this. During the time of your presence, were the attacks by this crowd that you describe upon the soldiers at any time a danger to the life of any man?—I would not say so.

1476. Did you see any attack which was of serious danger to any of the soldiers?—No, my lord.

1477. Did it occur to you until, unhappily, you heard the shots ring out that there was any occasion for firing upon any one?—No, none whatsoever.

1478. When you say that soldiers were on the knee and standing alternately across the road, had you any knowledge then that these men had loaded rifles?—I had not, my lord. I did not know that the rifles were loaded. I did not even suspect that they had blank cartridges. I thought it was as a threat that they faced the people.

1479. If there had been a few policemen to assist you could the crowd have been kept in hand?—I should say that if there had been ten or even six policemen there we would have kept the crowd back.

FRANCIS PATRICK examined by Sergeant Sullivan.

1480. Were you driving a handcart-taxi-cab on this Sunday evening?—Yes.

1481. And had you occasion to go from the O'Connell Bridge towards the Park?—I had.

1482. Were the soldiers on Bachelor's Walk before you turned into it?—They were, and some distance down.

1483. And was the crowd—whatever it was—in Bachelor's Walk before you turned into it?—It was.

1484. Did you, in fact, drive your taxi through that crowd, small or large?—I did.

1485. Had you any difficulty at all in doing so?—No difficulty at all.

1486. At what position in Bachelor's Walk did you get past that crowd?—About Keogh's public-house—at the first lane from O'Connell Street.

1487. By what time were you clear of the crowd?—When I had got clear of Keogh's public-house.

1488. What time did you leave the crowd behind your car?—They were not quite at Keogh's when I came up. I left them behind me there.

1489. Where did you overtake the military?—When I got to Wren's auction room, the military were opposite Liffey Street, and the last rank had bayonets fixed.

1490. There were people between you and the soldiers even then?—Yes.

1491. When you got to Wren's there were people between you and the soldiers?—Yes.

1492. Did you see the soldiers form across the road?—I did, just at Liffey Street.

1493. At the farther side of it from the O'Connell Bridge?—Yes.

1494. Were there some people between you and the soldiers?—There were, of course, but not many—a couple of children on the path on each side. The crowd was left behind by me.

1495. Did you pass up towards the soldiers?—I went on towards them.

1496. In consequence of the obstruction did you go to the wrong side of the road at Liffey Street?—I had to.

1497. How were the soldiers situated when you passed their line?—When I got to Wren's they were drawn up, and they refused to let me through. They refused at first, but the officer came, and they got off their knees.

1498. And they rose and let you through?—They did.

1499. How far did you get before the firing?—The back of my car was on a line with Liffey Street when the firing went on.

1500. Having gone through the crowd from start to finish, was your car struck with any missile?—It was not.

1501. It did not receive a scratch?—Not a scratch of any description.

Cross-examined by Mr. Atkinson, K.C.

1502. There was a crowd on Bachelor's Walk, and you saw them, of course, throwing stones?—Well, you, they were.

1503. No doubt about that?—No doubt about that.

1504. They were throwing them at the military?—They were.

1505. That was near Kegg's pub-house?—Yes.

1506. Between that and Liffey Street, you saw the crowd pursuing the military?—Yes.

1507. And you saw that crowd throwing stones at the military?—I did.

1508. Mr. Justice McLEOD.—How many persons were in that crowd?—I could not say.

1509. Was it a crowd of some considerable size?—I wouldn't say so.

1510. You must know what, approximately, was the size of the crowd?—I could not say—fifty or a hundred.

1511. But it took you some time to get through that crowd?—Yes, because the crowd was in the road.

1512. Because the crowd was so dense?—Yes.

1513. What was the character of the people that formed that crowd; what class of persons were they?—Different classes; working classes, boys and girls, as far as I could see.

1514. You know what I mean by rough rowdy—were there rowdies among them?—Not that I saw.

1515. You saw stones thrown?—Yes, I saw stones thrown.

1516. All of them throwing stones?—Oh, no, not all.

1517. And these respectable were in the centre of the roadway?—Yes.

1518. And they were throwing stones?—I could not say that they were throwing stones.

1519. But they were in the centre of the roadway?—Yes.

1520. Did the soldiers make as if to charge the crowd in Bachelor's Walk?—Yes.

1521. Where was that?—Exactly as I got to Wren's Auction Room.

Mr. Justice McLEOD.—That is about half-way between O'Connell Bridge and Liffey Street.

1522. Mr. Atkinson.—I take it that your evidence is that the military attempted to charge the crowd?—Yes.

1523. Was that between you and the Metal Bridge?—Yes.

1524. When the military attempted to charge the crowd, I put it to you after the military and to charge the crowd pursued the military all the more?—Yes; they followed them.

1525. They were not a bit afraid of the military?—No.

1526. Had they not been endeavouring to keep the crowd in the rear?—Yes.

1527. And the crowd must have known that?—Yes.

1528. But the crowd were not afraid of that?—No, according as the soldiers went on they followed.

1529. Under the stone throwing?—They went on, yes.

1530. You passed through the crowd?—Yes.

1531. And as a matter of fact there was another car kept in check—one of Thompson's—and was it not entirely to allow you to go on, you not being in the crowd throwing stones, that way was made?—No, I don't say that.

1532. At Liffey Street did you see any stones thrown?—No.

1533. By Sergeant Sullivan.—Was there a clear space immediately behind the military?—In front, yes.

1534. But between the military and the crowd following?—Yes, there was.

1535. About what space?—Five or six lengths of the car I had.

1536. And in front of the military, between them and the barracks, was there any obstruction?—No, for when I got through I could get along quite easily.

1537. By the CHAIRMAN.—When you passed through the crowd you were driving more rapidly and through the military?—Yes.

1538. You passed through the crowd early?—Yes.

1539. And were advancing to where the military were across the road?—Yes.

1540. Now, what space was there between your car and the crowd?—Well, I did not look behind, and cannot rightly say.

1541. Were you not a bit afraid to go through them because of the throwing of stones from the crowd?—Well, I was rather, but it was not much.

1542. You thought you might get a stone?—Yes, I did, and I was a bit nervous.

1543. Had you a passenger?—Yes; three in the back and a gentleman in front.

1544. You thought you might run some risk in passing through?—Yes.

1545. Now, what size were the stones that were being thrown?—I should say they were not very large stones.

1546. Did it occur to you when you were driving along that the people throwing stones might not do grievous bodily harm?—No; I did not think that the stones were large enough for that.

1547. Were the stones thrown in volleys or now and again?—Now and again.

1548. And that was annoying the soldiers?—Yes.

Sergeant Sullivan.—I do not propose to recapitulate the evidence. But I am in some difficulty, my lords. There is one matter; there are witnesses who are army reservists, and they have been summoned to the colours, and they have left Dublin, and their addresses I do not know. There are three soldiers whom my friends wished to call, and they have, it appears, not yet arrived. But the doctor who has furnished a list, up to Friday week, of those attended at hospital has volunteered for service in Belgium.

The CHAIRMAN.—Have you the list?—

Sergeant Sullivan.—Yes; and I propose to prove it by the Senior Surgeon, Dr. Byrne. But the Chamber is holding an inquest at present and cannot be here just now.

The CHAIRMAN.—Perhaps there will be an agreement as to the accuracy of the list you have.

Sergeant Sullivan.—That is so.

Mr. ROSS, K.C.—We quite agree.

Sergeant Sullivan.—I have here the list of these persons detained and treated in Jervis Street Hospital, apart from those casually treated and who were immediately discharged and of whom no record is kept.

The CHAIRMAN.—Let us have that list.

Sergeant Sullivan.—The list is as follows:—

LIST OF PERSONS TREATED IN JERVIS STREET HOSPITAL.

Sebastian Pidgeon.—Age, 40 years; 29 Cosmo (Pride); bullet wound front and back of right leg.

Peter MacDewell.—Age, 15 years; 18 Crumpton Buildings (Messenger); bullet wound right leg.

Charles Maher.—Age, 15 years; 43 Marlboro' Street (Paper-boy); bullet wound right foot.

Luke Kelly.—Age, 30 years; 18 Marlboro' Street (Schoolboy); bullet wound in back.

Patrick Keogh.—Age, 41 years; 13 Marlboro' Street (Labourer); bullet wound right thigh.

Edward Dowdall.—Age, 23 years; 58 Upper Grand Canal Street (Provision Assistant); bullet wound left leg.

Thomas Harris.—Age, 41 years; 10 Henry Place (Carrier); bullet wound right knee.

Patrick Keegan.—Age, 25 years; 16 Palmerston Place (Chemist's Assistant); bullet wound in head.

John Connolly.—Age, 23 years; 4 North Richmond Street (Gambler); bullet wound front and back left leg, and bullet wound under left armpit.

John Lund.—Age, 17 years; 3 Foley Street (Labourer); bullet wound right leg.

Patrick Wynne.—Age, 28 years; 26 Little Strand Street (Labourer); bullet wound in toe of left foot.

Benjamin May.—Age, 32 years; 5 North Granville Street (Labourer); bullet wound left hip.

Patrick Murray.—Age, 17 years; 5 Hyndbush Street (Clerk).

Mollie Dublin.—Age, 15 years; 42 Bessborough Avenue, North Strand; bullet wounds front and back right leg.

Mary Rowan.—Age 16 years; 35 Addison Road, Fauxville; bullet wounds both legs.

John Nolan.—Age, — (Clerk); 41 Cuba Road; bullet wound in leg.

Chris. O'Brien.—Age, 20; 3 Leinster Market; bullet wound in leg.

Patrick Farrell.—Age, 16 (Gardener); 2 Leinster Place, Ballsbridge; bullet wound in arm.

Thomas Barrett.—Age, 33 years (Labourer); 546 Corporation Buildings; bullet wound on face.

Patrick Farrell.—(Labourer); 7 Stafford Street; contused wound on right hand.

James Brennan (the boy who died).—Age, 20; 7 Lower Brookings Street, died in hospital.

Patrick Marshall.—Age, 30 years (Tailor); 45 Madhuro Street; bullet wound in leg.

M. Murphy.—Age, 21; 7 Jarvis Street; wound on jaw.

Michael Hayes.—Age, 18 years; 45 New Street; wound on leg.

Patrick Quinn (he was brought in dead).—Age, 30 years; 1 Gardiner's Lane, brought in dead.

Mrs. Scully.—3 Chatham Row, bayonet wound.

Mary Duffy (who was killed).—20 Lower Liffey Street; brought in dead.

Michael McGrath.—Age, 18 years (Draper's Assistant), c/o. Boyes & Co.; pellets in leg.

Joseph Watson.—2 Upper Buckingham Street; bayonet wound on hand.

Julia De Lapp.—Age, 40 years; 5 Denmark Street.

William O'Doherty.—Age, 38 years; 69 Haddington Road; bullet wound on leg.

Michael Dorgan.—Age, 20 years (D.U.E.C.); 8 Cambridge Place; bullet wound in head.

George Keating.—Age, 23 years (Printer); 7 St. Michael's Terrace; bullet wound in head.

Laura Goughy.—Age, 27 years (Pinker); 37 Lealand Place; wound on shoulder.

Patrick Hill.—Age, 20 years (Labourer); 20 Lower Strand Street; bullet wound in foot.

Patrick Sweeney.—Age, 35 years (Book-keeper); Carlogan Road, Clontarf; bullet wound on head.

John Conrad.—Age, 11 years (Schoolboy); 50 Ln. Abbey Street; bullet wound on leg.

Frank Culley.—Age, 43 years (Labourer); 14 Denzille Street; wounds on hand.

Several other persons were treated for injuries, but it was not possible to record their names.

THE CHAIRMAN.—What was the total?—I am told thirty-eight. Your lordships will understand that these are only the names of those treated and detained.

MR. JUSTICE ANNAND.—Treated in the wards?

Sergeant Sullivan.—If your lordships draw a line after Molly Dillon and Mary Rowan—from that downwards they were treated in the Extra Department. Now, as to the Depositions. As the result of post-mortem examinations in the case of Joseph Brennan the doctor deposed as follows:—

The Examination of JAMES LANIGAN, House Surgeon, of Jarvis Street Hospital, City of Dublin, taken before LOUIS A. BYRNE, Coroner for the County of the City of Dublin, this 28th day of July, 1914, who being duly sworn upon oath, said:—The deceased, James Brennan, 7 Lower Buckingham Street, was brought to Jarvis Street Hospital about 7.20 p.m., 24th July, 1914. He was suffering from a clean cut punctured wound in front and to inner side of right thigh, about 3 inches above knee, also

a superficial wound one inch long below right gluteal region, and an incised wound six inches long on back of right thigh. He was in a state of collapse, and died in hospital about 8.30 p.m. on same evening.

By order of the City Coroner I made a post-mortem examination. Externally I found wounds above described, and the wound in front of thigh communicated with the centre of 6-inch incised wound on back of thigh. On internal examination I found femoral artery was severed. All the other organs were healthy. In my opinion death was due to shock following hemorrhage from the above injuries. The communicating wounds could be caused by a bullet, the incised wound was caused whilst man was standing up. It would be possible to stand up after receiving incised wounds, shoot not after receiving bullet wound. He could not run very far after receiving these wounds.

JAMES LANIGAN, House Surgeon, Jarvis Street Hospital.

Now, in the case of Mary Duffy, who was killed, Dr. Frank Byrne deposed as follows:—

The Examination of FRANK M. BYRNE, House Surgeon of Jarvis Street Hospital, City of Dublin, taken before me, LOUIS A. BYRNE, Coroner for the County of the City of Dublin, this 28th day of July, 1914, who, being duly sworn upon oath, said deceased Mary Duffy was brought to Jarvis Street Hospital on Sunday evening, July 26th.

On examining her I found life extinct. By order of the City Coroner I made a Post-mortem examination. Externally I found a small punctured wound in the Abdomen on the left side, slightly to inner side of the Anterior Superior Spine; I also found a large incised wound about 2½ square in left Sacral region behind. On external examination I found the external Iliac Artery had been severed and also that there was a fracture of the Sacrum. All other organs were healthy. In my opinion death was due to shock following hemorrhage. The wounds I have described could have been caused by a bullet; I could not form any opinion as to the distance of deceased from Rifle.

FRANK M. BYRNE,
House Surgeon,
Jarvis Street Hospital.

Then, in the case of Patrick Quinn the Doctor certified:—

The Examination of FRANK M. BYRNE, House Surgeon of Jarvis Street Hospital, City of Dublin, taken before me, LOUIS A. BYRNE, Coroner for the County of the City of Dublin, this 28th day of July, 1914, who, being duly sworn upon oath, said:—

Deceased, Patrick Quinn, 1 Gardiners Lane, was brought to Jarvis Street Hospital about 7 o'clock on Sunday evening, the 26th inst. On examining him I found life extinct. By order of the City Coroner, I made a Post-mortem examination. Externally I found a small inverted punctured wound at the back of and slightly above the middle of the right thigh, which wound communicated with another punctured wound of larger size in front of thigh. Internally I found the femoral Artery had been severed. The other organs were healthy. The wounds could have been caused by a bullet. In my opinion only one bullet entered the leg.

FRANK M. BYRNE,
House Surgeon,
Jarvis Street Hospital.

THE CHAIRMAN.—These depositions can go on the record as being agreed to?

Sergeant Sullivan.—Yes.

Mr. Joseph O'Connor, S.C.—This, my lord; I would submit, should be the time for me to tender evidence on the part of two people of those who have received injuries, bullet wounds, on this occasion. I repeat most of the parties who have been injured; two of them are here.

THE CHAIRMAN.—We shall hear them.

LIZZIE GIBSON, examined by Mr. O'Connor.

1548. Do you remember the 26th July?—Yes.
 1549. Tell us what occurred on that evening: You were going along the quay?—Yes; I was going along the quay with a friend of mine, Miss MacNamara.
 1550. What portion of the quay?—Just along at Wallis's.
 1551. Going into Bachelor's Walk?—Yes; and the soldiers were coming along when we were walking along the quay.
 1552. They passed you?—Yes; and marched on.
 1553. The Chairman.—You followed behind them?—Yes.
 1554. Mr. O'Connor.—I suppose there was a crowd there?—There was a crowd following, and we followed on behind them. We walked with the crowd.
 1555. What happened as you were walking along?—Just as we got to Scanlon's a shot was fired.
 1556. Where were the soldiers then?—Just at the corner of Liffey Street.
 1557. The Chairman.—They fired?—Yes; that was at Liffey Street, just at the Metal Bridge, and I was struck on the shoulder just here [pointing to her right shoulder].
 1558. How far were you from the rank and file?—I suppose about thirty yards, but I can't say rightly.
 1559. You were hit on the shoulder?—Yes.
 1560. Is that the same dress you wore?—Yes. [Witness showed a mark on her pocket where she said the shot struck her].
 1561. Mr. O'Connor.—Had you seen soldiers turning round?—I just tried to get nearer to save myself.
 1562. And before you got to shelter you were shot?—Yes.
 1563. Were you near enough to hear any word of command given?—I did not hear.

PATRICK FARRELL examined by

Mr. Joseph O'Connor.

1577. How old are you?—Going on 16.
 1578. Did you come into Dublin with a companion?—Yes.
 1579. A companion named Jack Connor?—Yes.
 1580. And I believe you went to the Picture Palace at Mary Street?—Yes.
 1581. What time did you come out?—Between 20 and 25 past 6 o'clock.
 1582. Where did you go then?—When we came out of the picture house we went down to Liffey Street and went into a shop at the corner.
 1583. What is the name of the shop?—I don't know.
 1584. Mr. Justice Molloy.—Was it from the Volta picture house you came?—Yes.
 1585. Mr. O'Connor.—You went into a shop?—Yes, and the other chap bought two halfpenny cakes.
 1586. You did not see the soldiers in O'Connell Street?—No, we went into the middle of the road and looked towards O'Connell Bridge and saw the crowd, and we ran down half ways and then saw the soldiers making a bayonet charge.
 1587. What then?—Just as the soldiers got to O'Connell Bridge they went down Bachelor's Walk.
 1588. Did you join in the crowd?—I could not see him and I started to look for the other chap and went after the crowd to try and find him, and I could not find him. The soldiers made another charge.
 1589. What did you do?—I ran to a hall door, and then I heard a whistle—someone blew a whistle and the soldiers went back.
 1590. What position were they in?—They were marching, and at the Metal Bridge they turned round and some knelt down and others stood up and pointed their guns. I was looking away and heard one shot going off and I was running to go into a hall door and the bullet caught me there in the arm [showing a mark on the sleeve of his coat, which covered a bandaged arm].
 1591. The Chairman.—Is that the coat you wore?—Yes.
 1592. Mr. Justice Molloy.—Is the bullet hole in the sleeve?—Yes. [Witness showed the spot where the bullet struck].
 1593. What part of Bachelor's Walk were you in when the shot was fired?—Near the Metal Bridge.
 1594. How far from where the soldiers were?—I was standing in front of a pillar.

1564. Did you see any stones being thrown on that occasion?—I did not.

1565-6. Then, I believe, you were taken to Jervis Street Hospital?—Yes; I first went to a friend's house and had the wound washed, and then I went to the Jervis Street Hospital.

1567. Mr. Justice Molloy.—Were the crowd throwing anything?—I only heard booing and shouting.

1568. You did not see anyone throwing stones at all?—No.

1569. Mr. Heavey, K.C.—Were you in the front of the crowd or the back?—About the middle.

1570. And I suppose there were a good many in front and behind?—Yes; a lot.

1571. Would I be right in saying that Bachelor's Walk was well packed?—No; there were about fifty or sixty on both sides of the roadway.

1572. The Chairman.—I want to ask you this. Of course you were curious to see what was going on?—Well, I was going up the quay.

1573. Yes; and did it occur to you and your friend that it was a dangerous thing for you to be walking there?—I did not think they would turn round and shoot us.

1574. No; but because of the firing of stones, did it appear to you to be a dangerous thing to be there?—No.

1575. If there had been stones thrown so seriously as to injure people, or likely to injure you or anybody, you would have gone away?—But I did not see any stones thrown.

1576. If there had been you would have kept out of it?—Yes.

Mr. O'Connor.—It is about 30 yards—that would be the extreme distance.

1595. Did you, going along Bachelor's Walk, see anybody pelting anything at the soldiers?—I was not minding. I was looking for the other chap that was with me.

1596. You had lost him?—Yes.

1597. You went to Jervis Street Hospital?—A man then first.

1598. You went to Jervis Street Hospital?—A man took me up on his shoulders and brought me to the hospital, and then they sent me home.

1599. The same night?—Yes; the next paid my train fare home to Ball's Bridge.

1600. Mr. Heavey, K.C.—Where did you join the crowd?—Just where I met them, near the middle of O'Connell Street.

1601. Was there a big crowd there?—Well, there was.

1602. You followed with the crowd then, and got in the centre of them?—I got in the centre to look for the chap.

1603. He was with you in Sackville Street?—Yes, I was making my way out along with the other chap till I lost him, we were going home.

1604. And then you lost him?—Yes.

1605. And you remained in the crowd?—Yes, thinking to find him.

Mr. O'Connor.—These are the only two witnesses I propose examining.

Sergeant Sullivan.—The constables who were suspended I purposed examining, but they have not yet arrived.

Mr. McElduff, K.C.—I had a volume of evidence, but I have placed it in the hands of my friend, Sergeant Sullivan.

The Chairman.—So far as the Commissioners are concerned, we would say that the Bar has been very judicious in the exercise of their discretion, and, in our opinion, no unnecessary witnesses have been called.

Sergeant Sullivan.—I am much indebted for that expression. With regard to the expense of witnesses, the Corporation have summoned witnesses, but I don't know if any indemnity will be tendered to the Corporation, and if they are not indemnified from the public funds we would be glad to get a certificate from the Commissioners as to the reasonableness of our action to satisfy the auditor afterwards.

The CHAIRMAN.—We interpose in no respect as to costs. The certificate you mention is only the certificate of Mr. Secretary, and it will be seen whether, under the circumstances, he is justified in giving it.

The Commission adjourned for luncheon.

On resuming after lunch.

The CHAIRMAN.—Are you witnesses here, Mr. Harris?

Mr. Harris, K.C.—No.

The CHAIRMAN.—Would you indicate generally the nature of the evidence they would tender?

Mr. Harris, K.C.—They are three witnesses who would depose to the order of "Fire" given from the rear rank. To summarise the evidence it would be that the men who fired heard the word "Fire" from the rear rank before they discharged their rifles.

The CHAIRMAN.—We shall hear the learned Counsel on the facts of the case, but as at present advised these does not appear to be much importance to be attached to that. Assuming that in a minute there was confusion and a shot was fired it was not unnatural to assume that a general order to fire had been given.

I don't know if it is in the interests of anybody to contest that proposition unless it is desired to fasten responsibility upon any particular officer.

Sergeant Sullivan.—In view of what I might call the defence of the rank and file that it was only after a general order to fire was given that they discharged their rifles—in view of the error made by these men explaining the attitude of the rank and file there is no further anxiety to have them produced.

The CHAIRMAN.—I must say that we appreciate that attitude. It is just to the men that they should depute to give their impressions of what passed.

Sergeant Sullivan.—I was anxious about it because of a question which I asked Captain Cobden and which was apparently misunderstood. It was as regards the attitude of the men. In the immediate neighbourhood of the occurrence there was no opportunity of ascertaining whether any particular man alleged that any particular order reached him from a particular source. It was only in view of those things—that it was alleged that the rank and file said that no rifle was discharged until an order had been given that we would like to give these men an opportunity of being present.

Private HENRY ROSEWELL examined by Mr. Harris, K.C.

1600. Now, Rosewell, I want you to tell us what happened at the time of the burning across of the rear section at Liffey Street. Whereabouts were you when the line was thrown across at the Metal Bridge?—Just on the right of Major Haig.

1607. That would be facing O'Connell Bridge?—Yes, sir.

1608. You were on his right hand?—Yes, sir.

1609. Could you give us any idea how many men there could be between yourself and the horses?—No.

1610. Were you on the roadway or the footpath?—On the roadway.

1611. In what position with reference to the centre of the roadway?—I was on the right of the centre.

1612. Were there two lanes?—I could not say. I was in the front.

1613. After you were heard across did you see Major Haig addressing any of the other men?—Yes, sir; I saw him addressing them.

1614. Did you hear what he said?—He said, "Are you loaded? Get ready to fire on my orders."

1615. Did he address any order to you?—No.

1616. Did you see Major Haig do anything after that?—He held up his hand as if to speak to the crowd and just then a shower of stones came, two of which struck him on the breast.

1617. What happened then?—He returned to the side of the firing line, and then I heard one shot go off on the right. It was followed by several others. On hearing the word of command "Fire" given I thought it was for the whole line to fire.

1618. At what point of time did you hear the order "Fire" given?

Mr. ARNOLD.—Did he hear it at all?

1619. Mr. Harris, K.C.—Did you hear the order to fire given?—Yes.

1620. At what point?—Just after the first sound had been fired.

1621. From what direction did the command you heard come from?—From my right rear.

1622. Can you say who gave that order?—No, sir.

1623. Did you fire?—Yes, sir—see round.

1624. You explained that you thought it was over the whole line of fire?—Yes.

Sergeant Sullivan.—I have no questions to ask.

1625. The CHAIRMAN.—Rosewell, do you feel sure that some shots had been fired before you heard the order to fire given?—Yes.

1626. Did Major Haig touch you on the back and tell you to be ready to fire when ordered?—No, sir.

1627. He did so, we are told, to about a half-dozen of men?—Yes.

1628. You were not one of the half-dozen?—No, sir.

1629. Were you standing or were you kneeling?—Standing.

1630. But for this order to fire which you heard you would not have done so?—No, sir.

1631. Now was your impression that that order was direct from an officer?—Yes; that was my impression.

1632. Did you hear at this time an order to fire passed down from one man to another?—No.

1633. I must ask you, Rosewell, when you obeyed this order to fire, where did you fire?—I fired at the legs of the crowd.

1634. Right into the crowd?—The front.

1635. How far were they from you?—Between thirty and forty yards.

Mr. HARRIS, K.C.—Would your lordship ask him his age?

1636. The CHAIRMAN.—I meant to ask him that. What age are you?—Twenty-one.

1637. Where do you come from?—From Kent.

Sergeant Sullivan.—Would your lordship ascertain what does he mean by one round?

1638. The CHAIRMAN.—Before you heard the order to fire, how many shots did you hear fired?—One shot.

Corporal LUDLOW, examined by Mr. ARNOLD, K.C.

1639. Corporal Ludlow, where were you in this line that was drawn across Liffey Street to Metal Bridge?—On the left centre of the right.

1640. Facing O'Connell Bridge?—Yes.

1641. That is to say, you would be on Major Haig's side of the line?—Yes.

1642. Did you hear any order given by Major Haig?—No, sir.

1643. To fire?—No, sir.

1644. Did he say anything about being loaded?—I was not in the firing line then.

1645. Did you fire?—Yes.

1646. Did you hear any order to fire given?—Yes.

1647. When did you fire?—I heard a volley of shots, and took it for granted the men had been told to open fire.

1648. Had there been more than one shot before you fired?—Yes.

1649. And can you tell us from which side the first shot came?—No. The firing commenced before I got into the firing line.

1650. Were there two lines or only one?—I could not say, sir.

Sergeant Sullivan.—No questions.

1651. The CHAIRMAN.—Had stones been thrown at that time?—Yes, sir.

1652. When the order to fire was given?—I did not hear any order to fire.

1653. When firing took place were stones being thrown?—Yes.

1654. Were there many?—Yes, a good many.

1655. How old are you?—Twenty-six, sir.

1656. Where are you from?—From Birmingham, sir.

Private JOHN DOUGLAS, examined by Mr. HAWES, K.C.

1657 I hope you don't come from Birmingham or Kent?—No, sir. I come from Sefton.

1658 Now, Douglas, when the line was drawn across Liffey Street to the bridge, what position did you occupy when the line faced O'Connell Bridge?—Immediately on the right, furthest away from the left.

1659 Were you on the footpath or on the roadway?—Just along the footpath.

1660 That is at the gutter?—Yes, sir; in the gutter.

1661 Were you standing or kneeling?—Standing.

1662 Would you tell us whether Major Haig, when the line had formed, addressed any remarks?—He asked me who I was. I told him, and he said, "Get ready, and take your order to fire from me."

1663 Did you see him talking to others and speaking to them?—Yes.

1664 About how many men did he speak to?—About five or six at the least.

1665 What did he do after he spoke?—He put up his hand as if he wanted to speak to the crowd. Then stones were thrown, and two struck him on the chest. A shot was then fired.

1666 Did you hear any voice cry "Fire"?—I did.

1667 Where was it from?—From behind.

1668 Was it Major Haig gave the order?—No.

1669 Did you fire?—I fired one round.

1670 That is one shot?—Yes.

1671 Was that after you heard the voice cry

"Fire" from behind?—Yes, it was after.

1672 Was that an independent and distinct order to fire from behind, or was it an order passed down

the line?—That is a very difficult question. I heard a voice say "Fire," but I don't know if it was independent or not.

1673 When you heard the order to fire did you kneel down to fire?—No, I fired from the hip.

1674 Immediately the firing started did you see the officers endeavour to stop them?—I did, sir. I saw Major Haig and the officers running up and down the line endeavouring to stop the men.

1675 Sergeant Sullivan.—I think you told me at the request, "I obeyed the order because I thought it was one that should be obeyed. I thought it was an order from one of my superiors?"—I did, sir.

1676 "And when I acted on it a number of my comrades must have acted on it from the sound or report?"—Yes.

1677 That is to say, the order given was loud enough to be heard by people in the rear?—Yes, sir, I heard it.

1678 The CHAIRMAN.—How old are you?—Twenty-four.

1679 How far was the nearest of the crowd to your muzzle?—At the most about twenty paces.

1680 Would the muzzle clear the crowd?—I think it would.

1681 You say you saw Major Haig struck?—Yes, twice, with stones as big as your fist.

1682 Were you struck?—I was struck with stones and bottles. I was knocked down, and only for the help of two men I would never have got up afterwards. I was attended in hospital.

Private ANDREW BARR, examined by Mr. ATKINSON, K.C.

1683 How old are you?—Twenty-one.

1684 The CHAIRMAN.—Where do you come from?—Dundee.

1685 Mr. Atkinson.—Were you originally out of Major Coke's party?—Yes.

1686 And you never had your rifle loaded at all? Not until coming to Liffey Street.

1687 Were you part of the firing line?—On the right.

1688 That is the side nearest the Liffey?—Yes.

1689 How far were you from the Liffey wall?—About a foot off the footpath.

1690 Did you get any order to load your rifle?—No, sir.

1691 Did you hear any order to fire?—Yes.

1692 From what direction did the order to fire come from?—I cannot say.

1693 You heard the order to fire?—Yes, sir.

1694 You could not say from what direction it came?—No.

1695 Was it passed down the rank?—I don't know.

1696 Did you fire?—Yes. I heard the order given.

1697 The CHAIRMAN.—Were you loaded at the time?—No.

1698 Mr. Atkinson, K.C.—Were you loaded up to the time you heard the order?—No.

1699 When you heard the order you loaded?—Yes, and fired after I heard some of the others fire.

1700 As a matter of fact, weren't you four rounds short on your return to barracks?—No.

1701 You had 100 rounds?—Yes.

1702 You had fired two?—Yes.

1703 And you only had 96?—Yes.

1704 You had dropped two with a charge on the street?—Yes.

1705 And you afterwards ascertained this had been picked up by Corporal Evans?

1706 Sergeant Sullivan.—In your deposition you state that no shot was fired before the order was given?—Yes.

1707 Did you hear the order to fire before you fired any shot?

1708 The CHAIRMAN.—Is it usual for an order to fire to be preceded by an order to load and present?

—That is right.

1709 Did you hear the order to load?—I heard the order to fire, but I did not hear the order to load.

1710 Were you stood?—No, but I was kicked in Bachelor's Walk on the left ankle.

1711 Were the men ransayed?—Yes, very much annoyed.

1712 Did you see from the shoulder?—Yes.

1713 What at?—At the people in front.

1714 You are apt to take this thing very lightly. Did you fire at human beings in front of you?—They were all human beings in front of me.

1715 What did you fire at?—Very low, sir.

1716 You fired up that it was possible to injure without killing?—Yes.

Constable MICHAEL GIBBICK, sworn; examined by Sergeant Sullivan.

1717 I am informed, my lord, that this witness was one of the constables who was suspended or dismissed in consequence of the misbehaviour that has been mentioned. (To Witness).—Where were you stationed on Sunday, July 26th?—On the Howth Road.

1718 Mr. Justice MCLINTOCK.—At what barracks?—Green Street Barracks.

1719 Sergeant Sullivan.—How was it that you were brought out to Howth Road?—I was at my dinner, about two o'clock, and the man in charge of the barracks ordered me to take my dinner as soon as possible, and take a team to Howth.

1720 Did you go beyond the Howth Road?—Yes.

1721 You went to Howth?—Yes.

1722 And you returned on a tram as far as Howth Road?—Yes.

1723 Were you back at the bottom of Howth Road before the Volunteers arrived?—Yes.

1724 State to the Commission what happened with regard to the friction between the rank and file and the authorities?—When on the Howth Road, we saw the Volunteers coming down along the Howth Road. We were put in single ranks across the road in two ranks. When they came down they did not come as far as where we were, they went off to the right. I forget the name of the road. We got the double line across the road, Malahide Road. When we got on the Malahide Road, we were put across the road again. I was in the front rank. There was another rank behind. I saw Mr. Harrel interviewing

the officer in charge of the Volunteers. I did not know his name. I could not say what words passed between them. All of a moment, I heard a man say: "Seize the rifles."

The CHAIRMAN.—Who said that?

1725. Was Mr. Harrel present?—Yes.

1726. Did he say it?—I do not know. I did not hear him speak.

1727. You heard a voice say, "Seize the rifles"?—Yes, I turned back; I refused to seize them. I walked down the Malahide Road.

1728. Sergeant Sullivan.—Were there any more police who also refused?—Yes, about eighteen.

1729. What did they do?—They refused to obey the order.

1730. The CHAIRMAN.—Eighteen refused to seize them?—Yes.

1731. Sergeant Sullivan.—I do not suppose, my lord, we need pursue it any further. (To witnesses).—In consequence of what occurred, were you either suspended or dismissed?—I was suspended that evening, and was dismissed next day.

1732. Before you left the ground, had anything happened between you and the superior officers?—I was taken home by Sergeant Dowling.

1733. Under arrest?—I cannot say. We were taken to the barracks.

1734. Mr. Justice MOLTERT.—Eighteen of you?—Two of us, Constable O'Neill and myself. We were asked by Mr. Harrel if any of us refused to disarm the Volunteers. O'Neill said "Here is one," and I said "Here is another." He said on the moment "I suspend these two men. Take them home, Sergeant Dowling."

1735. He addressed the eighteen?—Yes.

1736. Sergeant Sullivan.—Two of you spoke and you were suspended there and then?—Yes.

1737. And subsequently were you dismissed?—The next evening.

Mr. Justice MOLTERT.—What happened to the other sixteen?

1738. Sergeant Sullivan.—They did not speak, and so far as I can ascertain, nothing has happened (To witness).—What was your objection to obey the order?—I considered it an illegal order. I had seen where they were allowed to march in the North of Ireland.

What in your opinion would have been the result in persisting in endeavouring to disarm the Volunteers?

Mr. Wyke, K.C.—Is that a proper question?

1739. The CHAIRMAN.—I do not think it is improper, but it might be embarrassing to the witness. (To witness).—Who was the other constable who took your attitude?—Constable O'Neill.

1740. You frankly said you would decline to obey?—Yes.

1741. Did you say at the time you thought it was illegal?—I did not say at the time it was illegal. I said I refused.

1742. Your impression was that you were asked to do what was not right?—Yes.

1743. Nothing happened to the other sixteen men?—No, not up to the present.

1744. Have you been re-mustered?—No.

1745. Why not?—Was there anything against you prior to this?—No; in these and a half years, I have never been reported.

1746. Are you a native of the district?—No; of Tipperary.

1747. You have been for three and a half years without anything against you?—Yes.

1748. No black mark against you?—No.

The CHAIRMAN.—I think I am not going too far in stating that this is a case for consideration by the authorities.

1749. Are you willing to serve loyally in the Force?—Yes.

1750. Does that apply to your companion?—Yes.

1751. You are ready to take oaths?—Yes.

1752. I should think an indication of that sort would be sufficient to settle matters with regard to this man and his companions.

Witness.—Thank you, my lord.

Sergeant Sullivan.—That closes the evidence, so far as I can ascertain.

Mr. Wyke, K.C.—Mr. Harrel desires me to say that he is willing to go into the witness box now. He was not asked any question in regard to this.

The CHAIRMAN.—If Mr. Harrel desires it I can see a great many reasons why he should not desire it.

Mr. Wyke, K.C.—He is not afraid to go into the witness box and tell what took place.

The CHAIRMAN.—We exclude nothing.

Mr. Wyke, K.C.—If you do not wish him to be examined, very well.

The CHAIRMAN.—I have no desire to exclude him if he desires to be examined. Is the evidence now closed?

Sergeant Sullivan.—So I understand.

Mr. Lyack, K.C.—I think it right to say that I would not think it right, in the interests of the time of the Commission, to supplement the evidence that has already been presented by Sergeant Sullivan.

The CHAIRMAN.—Whom do you represent?—The Irish Volunteers. We do not consider that, in the interests of time, any good result would be effected by supplementing the evidence presented by Sergeant Sullivan. Any evidence we had was at his disposal, and, as your lordship may have observed, we worked in concert in the matter.

Sergeant Sullivan.—There are more or less three parties before you fighting in one respect a triangular battle. There is a direct conflict between myself here representing the Corporation, and Mr. Harrel and the Solicitor-General with regard to the independent or subordinate position of Mr. Harrel and the Executive. That is a matter which should be considered by my friends on each side of me. There is also the question of the result of the Proclamation which is not a matter which on behalf of the Corporation I am concerned with, and it is a matter upon which the Solicitor-General will assist the tribunal. I am not concerned in anything save as to the question of the propriety and legality of being armed forces on the streets of Dublin.

The Solicitor-General.—I do not think it is quite accurate to say that I am in conflict with anybody. I am happy to give any assistance I can to the Court with regard to these statutes under which science may be justified. If your lordship thinks right, I will refer you to some of the sections dealing with that aspect of the case.

Mr. Justice MOLTERT.—You know that the position of the Commissioner and Assistant Commissioner of Police is a matter we have to consider.

The Solicitor-General.—Yes. As soon as that was mentioned I have looked into it, and I think I will be able to assist you. The first question I think your lordship put this morning was as regards the construction of the Proclamation. I would rather venture to think that what was in your lordship's mind was the effect of it upon gun-running and arms imported contrary to it. You asked whether they stood in the same position as any ordinary contraband. I think they do, under sections of the Customs Consolidation Act of 1876, to which I shall briefly refer you. If your lordship look at Section 177, 39 & 40 Victoria, chapter 36, you will see that what it says so far as is material is: "If any goods liable to the payment of duties shall be unshipped from any ship or boat in the United Kingdom (Customs or other duties not being first paid or secured), or if any prohibited goods whatsoever shall be imported or brought into any part of the United Kingdom"; and then shipping all the section until the last three lines, "then and in every of the foregoing cases all such goods shall be forfeited, together with any goods which shall be found packed with or used in concealing them." Section 186 of the same statute imposes various penalties upon persons who illegally import such goods. "Every person who shall import or bring or be concerned in importing or bringing into the United Kingdom any prohibited goods, or any goods the importation of which is restricted contrary to such prohibition or restriction whether the same be unshipped or not, or shall unship or assist, or be otherwise concerned in the unshipping of any goods which are restricted and imported contrary to such restriction, or of any goods liable to duty, the duties for which have not been paid or secured or shall deliver, remove or withdraw from any ship, quay, wharf or other place previous to the examination thereof by proper officers of Customs, unless under the care or authority of such officers any goods imported into the United Kingdom; or any goods entered to be warehoused after the landing thereof so that no sufficient account is taken by the proper officer, or so that the same are not duly warehoused, or shall enter into the warehouse any goods, except with the authority or under the care of the proper officer of Customs, and in such a manner by such persons within

such time by such roads or ways as such officer shall direct." The section further says: "Shall for each such offence forfeit either treble the value of the goods, including the duty payable thereon or one hundred pounds at the election of the Commissioners of Customs, and the offender may either be detained or proceeded against by summary." I may have to refer to that section again in connection with the question of seizure. You will see that the words in section 177 are very precise. I think that a good portion of this argument is not unfavourable to Mr. Wyke. "All such goods shall be forfeited." On that, I submit that the effect of forfeiture of goods is to transfer the property from them to the officers of His Majesty. That is laid down in the case of the *Annandale* in the Second Probate Division at page 178. The head-note says "A case of forfeiture under the 103rd section of the Merchant Shipping Act was instituted on behalf of a British Officer of Customs against a vessel seized for an alleged infringement of the provisions of that section. The plaintiff in his statement of claim in effect alleged that on the 10th of July, 1874, one of her owners being a British subject had falsely represented contrary to the fact and with intent to conceal the British character of such ships that she had been sold to foreigners. An appearance in the action having been entered on behalf of a foreigner as defendant, a statement of defence and counterclaim was delivered on his behalf, which in the seventh paragraph thereof set up the defence that on the 4th July, 1876, the defendant became bona-fide purchaser of the vessel proceeded against for valuable consideration without knowledge of any of the matters alleged in the statement of claim. The plaintiff demurred to the seventh paragraph of the statement of defence. The Court sustained the demurrer and held that the property in the vessel proceeded against was divested out of its former owners and vested in the Crown immediately on the commission of any of the offences in respect of which under the provisions of the section the penalty of forfeiture was imposed."

The CHAIRMAN.—The proposition you lay down seems to be unchallengeable under the middle portion of Section 189.

Mr. Justice MONAGHAN.—The mere effect of right to forfeiture would change the property of the goods.

The SOLICITOR-GENERAL.—It is another matter as to who has the right to seize them.

The CHAIRMAN.—We are not concerned with that problem at all. The forfeiture which you are arguing was accomplished. The law you are citing is applicable to forfeiture accomplished.

The SOLICITOR-GENERAL.—Then I pass on to the statute giving the right of seizure. It is an exceedingly difficult matter under the Act of 1855, Section 223. The Act of 1876 repeals that section, but it does not re-enact it. "All ships, boats, carriages, or other conveyances, together with all horses and other animals and things made use of in the importation, landing, removal or conveyance of any uncustomed, prohibited, restricted, or other goods liable to forfeiture under the Customs Act shall be forfeited, and all ships, boats, carriages or other conveyances, together with all horses and other animals and things, liable to forfeiture, and all persons liable to be detained for any offence under the Customs Act or any other Act whereby officers of Customs are authorised to seize or detain persons, goods or other things, shall or may be seized or detained in any place either upon land or water by any of the following persons being duly employed for the prevention of smuggling; that is to say, any officer of Her Majesty's Army, Navy, Marines, Coastguard, Customs or Excise, or by any person having authority from the Commissioners of Customs or Inland Revenue to seize, or by any constable or police officer of any county, city or borough in the United Kingdom so employed with the sanction of the magistrate having jurisdiction therein or under or by virtue of any Act in relation thereto."

The CHAIRMAN.—Probably Section 4 is sufficient for your purpose.

The SOLICITOR-GENERAL.—Now, your Lordship has before you the instructions issued by the R.I.C. I have sent for the originals. Let me say that these instructions don't seem to me to be important in so far as they refer to the actual gun-running at Rosetta and the subsequent attempt and seizure at Clontarf, because they are issued for the R.I.C. The illicit

Distillation (Ireland) Act, 1875, 30 and 21 Vict., Chapter 90, constitutes the Constabulary Force officers of Customs for certain purposes. I need not trouble you with it, and the previous statute 37 and 18 Vict., Chapter 87, except to say that undoubtedly the words "Constabulary Force," as used in the statute I am dealing with, and Section 5, do not embrace the Dublin Metropolitan Police.

The CHAIRMAN.—What you are anxious to consider is any information as to whether the constables under Section 262 and the Act of 1870 had authority from the Commissioners of Customs to seize contraband goods.

The SOLICITOR-GENERAL.—There had not. There was no such authority. I don't propose to say a word with regard to what has been suggested in reference to the power of the police under the Dublin Police Act of 1840. Sections 25, 27 and 29 give the Metropolitan Police powers of summary arrest, and these are the only sections that give them that power so far as I know.

Mr. Justice MONAGHAN.—This is not a case of arrest, because Mr. Harrel declined any indication of arrest.

The SOLICITOR-GENERAL.—I rather shrink now. Section 78 of the same Act may have some bearing upon the matter as to procedure under the Customs Act. It says—

"Provided always and be it enacted that nothing in this Act contained except the provisions empowering any one of the said Divisional Justices to hear and determine offences now punishable on Summary Conviction by or before two or more Justices of the Peace shall extend or be deemed or construed to extend to affect or alter any proceedings before Justices for the recovery of any penalties or forfeitures incurred under any Act or Acts relating to the Revenue of Customs or Excise or stamps," &c.

And it may be that possibly the right of arrest under Section 36 of the later Act would not refer to cases of arrest for breach of Customs statutes, which are, of course, complete in themselves. Now, my Lord, I will just come to the matter which you desire some information upon—the duty of the Chief Commissioner and Assistant Commissioner to obey the Chief Secretary or Under Secretary.

Mr. ASHURST.—Are you going to say anything about Section 208?

The SOLICITOR-GENERAL.—It is hardly necessary for me to do more than direct your attention to it, but it appears to me that that section only applies to Officers of Police appointed by the Commissioners of Customs or Revenue to prevent smuggling, and it is not suggested that the police who went out on Sunday, the 24th July, were so appointed.

The CHAIRMAN.—So far as the Customs Act goes, so far as you have read, it would appear to displace the possibility of the Statute Laws operating in regard to Customs.

The SOLICITOR-GENERAL.—That is the view we take and submit to the Court. The question of the duty to obey the Under Secretary is a question that has never been raised in Ireland before, and the very fact that instructions are, in fact, taken every day by the Chief Commissioner of Police, or by the Assistant Commissioner of Police, and by the Inspector-General of the Royal Irish Constabulary, goes far to show that there is a duty on all such officials to obey the Chief Secretary, or, in his absence, the Under Secretary. I would contend, if necessary, apart from the statute, that there is such a duty apart altogether from statutory enactment. The Lord Lieutenant has been appointed under patent. He has vested in him control of the entire Police Force—both the Metropolitan Police and the R.I.C. Either he or the Chief Secretary is a member of the Cabinet. In this case it is the Chief Secretary who is the member of the Cabinet. The Lord Lieutenant does not, of course, act *proprio motu* in himself. He acts on the advice of the Chief Secretary or the Under Secretary, and, as a matter of the administration of the law, it has been the practice, and from that point of view would be the duty of every subordinate official in Ireland to consult, not the Lord Lieutenant in person, but to seek the advice and assistance and direction of the persons who, subject to the Lord Lieutenant, have the control of the administration of the country, but in this case the matter is put at rest by the statute itself. I would refer your Lordships to the 6th and 7th William IV., Chapter 28.

Mr. ANDREWS.—I suppose the Lord Lieutenant's Patent is in very general terms!

The Solicitor-General.—It is. I have it here.

Mr. ANDREWS.—By "very general terms," I mean that it confers very wide powers.

The Solicitor-General.—Yes, particularly with reference to the military. There is just part of it which, in express terms, gives him authority to give such order and direction to the Commander of the Forces for the time being within Ireland as he may judge necessary for the support of the Civil Authority, the collection of the revenue, the protection of subjects, and the defence and security of the country. This is the extract:—

"Power and authority to give such orders and directions to the Commander of Our Forces for the time being within Ireland as he or General Governor may judge necessary for the support of the civil authority, the collection of Our revenue, the protection of Our loving subjects, and the defence and security of Ireland."

So in regard to one of the most important questions that is in this case, the employment of the military, that is more especially vested in the Lord Lieutenant, and, therefore, I say it is the duty of any police officer in the Dublin District, before employing the military, to seek the advice of the Lord Lieutenant's Adviser.

Mr. ANDREWS.—He is more than an adviser.

The Solicitor-General.—Yes, he is Executive Officer.

The CHAIRMAN.—Your primary proposition is that the Lord Lieutenant stands charged with the duty of issuing orders in respect of the employment of the military?

The Solicitor-General.—Yes, my Lord.

Mr. JUSTICE MACGILL.—Read Section 4.

The Solicitor-General.—

"A sufficient number of fit and able men shall from time to time be the directions of the Chief Secretary or in his absence of the Under Secretary for the time being be appointed as a Police Force for the whole Dublin District who shall be sworn in by one of the said Justices to act as Constables for preserving the peace and preventing robberies and other felonies and apprehending offenders against the peace and the men so sworn shall not only within the said district but also within the Counties of Dublin, Wicklow, Kildare and Meath and within all liberties therein have all such positive authorities privileges and advantages and be liable to all such duties and responsibilities as any Constable duly appointed now or hereafter may have within his Constabulary by virtue of the common law of this realm or of any statute made or to be made and shall obey such lawful commands as they may from time to time receive from any of the said Justices for conducting themselves in the execution of their office."

In the Preamble it is stated that the new system of police to be established is to act under the immediate authority of the Chief Secretary of the Lord Lieutenant, who is to control the whole of the new system.

Mr. JUSTICE MACGILL.—Section 4 means that there is no power in either the Chief Commissioner or Assistant Commissioner to engage any constable. Section 3 gives power of dismissal without reference to the Lord Lieutenant.

The Solicitor-General.—There is only one other section that I would like to draw your attention to, and that is section 4 of the Dublin Police Act, 1849—82nd and 23rd Victoria, chapter 52, and it recites the statute to which I have already referred. The section states that the powers vested in the two Commissioners might be done by either the Commissioners then holding office; then there is the power given to the Assistant Commissioner to act in the absence of the Chief Commissioner. Section 2 deals with the position of the Lord Lieutenant in regard to a vacancy in the Commissioner'ship of Police.

The CHAIRMAN.—We have got to this stage that we understand where the two Commissioners are, and one is to be appointed Assistant Commissioner, and the Assistant Commissioner is Mr. Harrel.

The Solicitor-General.—Yes, and he has the duties and responsibilities attached under the first section of the statutes 6th and 7th of Wm. 4th.

The CHAIRMAN.—You say old minds must be carried back to section 1 of the Act of 1836, which is a primary direction; that this officer then designated a justice should act and perform duty as from time to time directed by the Chief Secretary of the Lord Lieutenant or in his absence by the Under Secretary?

The Solicitor-General.—Precisely, and I deem it my duty to bring forward these sections not in the slightest degree or spirit of hostility to Mr. Harrel, but because the Executive Government of this country deem it of great importance that an official in the position of Mr. Harrel should recognize that it is his duty in any important matter, and indeed in any matter in which he can consult him to consult the Chief Secretary or in his absence the Under Secretary. Unless that is recognized the Government of this country could not be carried on. I don't think I need trouble your Lordships any farther. I refrain from asking your Lordships to draw any inference pro or con.

The CHAIRMAN.—We are very much indebted to you, Mr. Solicitor-General.

Mr. WYLLIE, K.C.—I appear with Mr. Henry Lee Mr. Harrel, the Assistant Commissioner of Police. The various sections I shall refer to will be practically the same as those quoted by the learned Solicitor-General. The first proposition which was enunciated was that the arming of the arms or the impugning of them at Howth was an illegal act, and I adopt his argument on that point. I think there can be no doubt about it, having regard to section 43 of the Customs Consolidation Act and having regard to the Proclamation that was issued on it, and having, above all, regard to the manner in which these arms were landed, that the landing of the arms at Howth on that Sunday was an illegal act.

Mr. ANDREWS.—Assuming as we must that the Proclamation was valid?

Mr. WYLLIE, K.C.—Yes. Certainly Mr. Harrel was bound to take it as a legal Proclamation. Assuming that the Proclamation is legal and valid, it is in connection with the various sections that the Solicitor-General has referred to, I submit that the landing of the arms at Howth was illegal. My second proposition is that the seizure of the arms was a legal act, and that there was power vested in Mr. Harrel, the Assistant Commissioner of Police, to seize these arms. It is here I put company with the Solicitor-General, because I gather from his argument that he is rather inclined to think that there was no authority in the Metropolitan Force to seize the arms.

The Solicitor-General.—That it was a matter of doubtful validity.

Mr. WYLLIE.—I submit it is plain from the construction of the section in the Consolidation Act that Mr. Harrel, the Assistant Commissioner of Police, had full power to seize these arms, and the fact on which I base this argument is this—that the arms that were seized were the identical arms which were landed at Howth. There can be no question that the arms that were landed from the yacht were those carried in open daylight by the Volunteers.

The CHAIRMAN.—You may assume that.

Mr. WYLLIE.—And I will contend that that makes a great difference between this case of gun-running in Howth and in the North of Ireland, where guns were taken away in motor cars concealed for a time, and when it was impossible to prove that the arms subsequently used in the street were those which were illegally imported. I would like to draw your attention to Section 222 of the 16th and 17th Victoria, Chapter 107—that is, the old Customs Act of 1853. It is the repeal section, which I submit has been re-enacted in the Customs Consolidation Act. I wish to draw the Court's particular attention to the wording of this Section 222, and in particular to the several persons mentioned in it who are empowered to seize arms, because my argument is this—that under that Act only certain persons who are authorized by the Customs officials to seize arms, but that under Section 202 of the Customs Consolidation Act there are additional persons put in, namely, any constable of any police force in the United Kingdom.

Mr. JUSTICE MACGILL.—Without any written authority from the Customs?

Mr. WYLLIE.—Without any authority from the Customs. The words of this 202 Section of the Act of 1861 are as follows:—

Mr. ANDREWS.—Is it expressly repealed?

Mr. Wylie.—Yes, under the statute. In Section 225 it is stated that there are three classes of persons who may seize ships, boats and all goods whatsoever liable to forfeiture, namely, persons in the army or navy, customs, coastguards, or persons specially told off to be officers of Customs and persons who have direct authority from the Commissioners of Customs or Inland Revenue to seize such goods. I turn now to Section 209 of the Customs Consolidation Act, and I may mention that in the interval between the two Acts—in 1857 there was an Act passed known as the Illicit Distillation Act, and that Act included, in addition to the three classes of persons mentioned in the old Customs Act, a constable in the Royal Irish Constabulary. A constable under the Distillation Act might seize goods which were being smuggled into the country. However, in 1857, you find the first addition to the persons enumerated in the 209th Section of the Act of 1855, and my argument is that when you come to the 303rd Section you find a complete and final addition to that given in the Act of 1855, because you find that any constable of any police force in the United Kingdom, with a qualification to which I shall refer.

Mr. Annesley.—Was the Illicit Distillation Act any bearing on this point at all?

Mr. Wylie, K.C.—I only refer to it as showing that the intention of the Legislature was to extend the class of persons empowered to set under the Customs laws ad seque goods. The Customs Consolidation Act, instead of diminishing these classes of persons empowered to make seizures, extended that power to any constable of any police force in the United Kingdom. My argument is thus that the 303rd Section of the Customs Act created every constable a Customs official if he was directed by the Magistrate so to act. I am only saying that the Illicit Distillation Act showed a disposition to extend the classes of person empowered to make seizures. The 303rd Section of the Customs Act reads as follows:—

"All ships, boats, carriages and other conveyances together with all houses and other edifices and things made use of in the importation, landing, removal or conveyance of any uncustomed prohibited restricted or other goods liable to forfeiture under the Customs Act shall be forfeited, and all ships etc., liable to forfeiture and all persons liable to be detained for any offence under the Customs Act or any other Act whereby officers of the Customs are authorised to seize or detain persons, goods or other things shall or may be seized or detained in any place either upon land or water by any of the following persons being duly employed for the prevention of smuggling that is to say any officer of Her Majesty's Army Navy, Customs, Coastguard, Customs, or Excise or by any person having authority from the Commissioners of Customs of Inland Revenue to seize or by any Constable or police officer of any county city or borough in the United Kingdom so employed with the sanction of the Magistrates having jurisdiction therein as officer or by virtue of any act or relation thereto, and all ships etc., so seized shall forthwith be delivered into the care of the collector or other proper officer of Customs at the nearest Custom House."

Mr. Justice Meade.—You rely on the word "goods."

Mr. Wylie, K.C.—I rely on the word "goods." Two of the classes mentioned in the old clause are enumerated in the class of persons empowered to make seizure under the later Act. Now, what meaning can be given to the words in the Act but that if Legislature intended to empower any police officer if he was acting under the sanction of a magistrate to seize goods which were smuggled into the country. If your Lordships held that those words mean the same thing as the person appointed by the Commissioners of Customs or Excise then you are that the 303rd Section has no wider extent and has no wider definition and does not refer to any person extra that the 1855 Act did, and you must hold that the words in the 303rd Section are unnecessary. The words "so employed," I submit, refer back to "being employed for the prevention of smuggling," and they are employed for the prevention of smuggling when the magistrate of the district sends them out.

Mr. Justice Meade.—Someone else must employ them, but it is still necessary to get the sanction of a magistrate.

Mr. Wylie, K.C.—I submit not.

Mr. Justice Meade.—It is not the magistrate who employs them. Who employs them?

Mr. Wylie, K.C.—They are employed for the time being. The word does not mean anything in the sense of master and servant, but that the person at the time was acting.

The Right Hon. W. D. Annesley.—In other words you would say "engaged."

Mr. Wylie.—Yes, "engaged" or "employed" in the prevention of smuggling. It means that the police, being called out to prevent smuggling could be so engaged, the only thing limiting them being that a Justice must give sanction. Mr. Harrel is a Magistrate. It is for the better government of the city that the magistrate and the police officer should be one, and that one minute he may be a police officer and the next minute a magistrate. My contention is this, be it right or wrong, that if the police officer is called out to prevent smuggling he has power to seize provided the magistrate is there to give sanction. There was a Royal Proclamation issued that arms should not be imported. In broad daylight these arms were imported and landed at Howth, and I would ask you not to hold that the police are powerless because they did not get previous authority from the Officers of Customs or Excise. The police are the guardians of the peace, and certainly I would think that if smuggling could be carried on in arms, it could be carried on in anything else; and if the forces of the Crown are not able to stop it without previous sanction, there must be something wrong with the law. As regards the Dublin Metropolitan Police Act, I would like to say one word. I don't intend to argue—in fact, I don't think Mr. Harrel, for whom I appear, would wish me to argue—that the Metropolitan Police Force is to be derived from the Lord Lieutenant and the Chief Secretary, and anything I say now I would ask you to take it simply because I understand you were desirous of having all the light possible, and it is not in the sense of an argument that I put forward what I say now. The Solicitor-General said that the question of the relationship of the police force with the Castle authorities had never been raised in a judicial sense. It has in one case—in the case of *O'Brien v. the Marquis of Hartington*, Irish Reports, 1877, 11th Conn. Law, page 445. It arose before the Exchequer Chamber, which was constituted at that time by Chief Justice May and other eminent Judges. It was an action for assault against the Marquis of Hartington, who was at that time the Chief Secretary for Ireland, and it arose out of a riot in the Phoenix Park, where the Dublin Police proclaimed the meeting. The Head Note of the case is:—

"Certain persons having advertised in the public newspapers that an immense meeting would be held in the Phoenix Park (a Royal possession vested in the Commissioners of Public Works) to advocate the release of certain persons, the Under-Secretary for the Lord Lieutenant gave directions to the Under-Secretary that the meeting should be stopped if there was legal power to stop it, and persuaded the Chief Secretary for Ireland to concur. The Chief Secretary did concur that the meeting should be prevented if there was legal power to stop it. The Attorney-General was consulted and gave his opinion that the meeting could be legally prevented. Accordingly a notice was posted by the Commissioners of Public Works that the meeting would not be prevented; and the Under-Secretary addressed a letter to the Commissioners of Public Works intimating that the Lord Lieutenant would not allow the meeting to be held, and that instructions had been given to the police to prevent it. The Chief Commissioner of Police having received instructions to that effect, directed his Chief Superintendent to stop the meeting, which certain persons, notwithstanding the prohibition, attempted to hold. One of the Inspectors of Police having been hustled by the crowd, his men interfered, and a riot ensued, during which many of the people, and amongst them the plaintiff, was assaulted and beaten by the police."

"Held (in an action for assault and battery) (1) that the Chief and Under-Secretaries having given directions to have the meeting legally prevented, were not responsible for any illegality in the method in which their directions were carried out by the Chief Commissioner of Police and his subordinates, who were the servants of the Crown, to whom they

were responsible; (2) that the Chief Commissioner of Police and his Inspector having acted in pursuance of the Statutory Powers conferred by 6th Victoria, Chapter 24, and the Dublin Police Act, 1839, were entitled to 20 days' notice of notice, and no notice was given they were protected by the Statute."

The judgment was given by Lord Chief Justice May, and I quote the following passage from his address, page 453—

"In order to fix employers with liability in such cases two elements must combine. The persons by whom the Acts have been done must have been under the control and direction of the employer acted, and denounceable by him, and the act done must be within the scope of the duty assigned to the employer. It is, I think, vain to argue that Colonel Lake, Mr. Howe, and the Constables, or any of them, were in any sense servants in the employment of Lord Hastings or Mr. Burke, or either of them. No relationship existed between these and the members of the police who assaulted the plaintiff which could render their assault the assault of the defendants. But the case does not rest there. Colonel Lake, to whom this direction was given, was appointed by the Crown, and a Statutory function rested on him which it was his duty to discharge, wholly independent of the Chief or the Under Secretaries to the Lord Lieutenant, or the Commissioners of Public Works. Under such circumstances, when these latter persons committed the execution of a direction emanating from the Executive to Colonel Lake, they were not responsible for the mood in which that direction was carried out by him and his subordinates."

The CHAIRMAN.—Who was Colonel Lake?

Mr. Wylie, K.C.—He was Chief Commissioner of Police, the position occupied by Sir John Ross at the time this occurrence in Howth took place; and Mr. Harrel was in the same position as Mr. Harrel, for whom I appear. I submit that in this case there was an express statutory duty on Mr. Harrel to save these arms. In conclusion, I wish to say one word on this Metropolitan Police Act, 6th and 7th Wm 4th, already referred to by the Solicitor-General. Is the preamble of the Act the two Justices who afterwards became the Commissioners are appointed, and their duties are also laid down. Now, I pause to say, that the duties specified in Section 4 are of a very wide kind:—

"That a sufficient number of fit and able men shall, from time to time, by the direction of the Chief Secretary, or, in his absence, of the Under Secretary, for the time being, be appointed as a police force to the whole Dublin District, who shall be sworn in by one of the said Justices to act as Constables for preserving the peace, and preventing robberies and other felonies, and apprehending offenders against the peace; and the men so sworn shall not only within the said district but also within the Counties of Dublin, Wicklow, Kildare and Meath, and within all liberties therein, have all such powers, authorities, privileges and advantages, and be liable to all such duties and responsibilities as any constable duly appointed now or hereafter may have within his constabulary, by virtue of the common law of this realm, or of any Statute made or to be made, and shall obey all such lawful commands as they may from time to time receive from any of the said Justices for

conducting themselves in the execution of their office."

Mr. Justice MONAGHAN.—I would like to direct your attention to the words of the preamble in reference to the Chief Secretary and the control of the Metropolitan Police Force.

Mr. Wylie, K.C.—My reading of all the words of the preamble that refer to the Chief Secretary are additional words to the Act of Parliament. Certain duties are assigned to the Metropolitan Police Force by Act of Parliament, and certain duties may be assigned by the Lord Lieutenant. The duties to be performed by the D.M.P. are first, the duties imposed by Act of Parliament, and secondly such duties as the Lord Lieutenant or Chief Secretary may think it wise for the force to carry into effect. I say that under the Customs Consolidation Act, Section 202, any Constable may come with the sanction of a magistrate. I assume that "employed" there means—

The CHAIRMAN.—"On the job."

Mr. Wylie, K.C.—That is exactly what I mean. I say that the D.M.P. Constables were on the job that evening at Clontarf, and that they were on the job because under section 4 of this Act, they had all the powers that any Constable could have, and one of the powers they had was one given by the Consolidation Act to seize. I quite agree that if my reading of section 202 is right, it is undoubtedly my sheet anchor. If section 202 fails me, I fall altogether.

Mr. Justice MONAGHAN.—Do you say that Mr. Harrel as a Justice of the Peace gave the necessary sanction under the 202nd section?

Mr. Wylie, K.C.—Yes.

Mr. Justice MONAGHAN.—Now you see the proviso at the end of section 1. The Commissioner or Assistant Commissioner is expressly prohibited from acting as Justice of the Peace except for (a) the preservation of the Peace. Was he acting in the preservation of the Peace?

Mr. Wylie, K.C.—Yes, in part. He might have anticipated a riot, but what I rely on are the words, "prevention of crime." One other word, and it is this: Assuming for the purpose of my argument that, first there was an illegal act committed; secondly, that Mr. Harrel was in a position to seize the arms—that he had legal power to take them, then I think as a police officer, acting as he was under a high sense of duty, and believing that he had the power to do so, he thought that when dealing with people with arms in their possession he was entitled not to rely solely on his own policemen, but to bring out the military. If I am right in saying that he had power to seize, then he was quite right to requisition the military, because there were 1,360 armed men marching into Dublin. It was his duty to take the arms. He had a small force, and he had to requisition the military to assist him. Only that the military were present his constables would probably have suffered severely.

The CHAIRMAN.—There is a matter of fact that their lordships would desire to hear you on to-morrow. We should like to hear how Mr. Harrel conducted himself from the standpoint of his duty to the Chief Secretary or the Under Secretary.

Mr. Wylie, K.C.—I thank your lordship for drawing my attention to the fact.

The SOLICITOR-GENERAL.—I omitted to say that your lordships' expression of opinion in regard to the reinstatement of the two constables who were dismissed will be immediately conveyed to the Chief Secretary.

The Commission then adjourned to to-morrow morning at 10.30.

ROYAL COMMISSION

INTO THE CIRCUMSTANCES CONNECTED WITH

GUN-RUNNING AT HOWTH, ON JULY 26TH, 1914.

FOURTH PUBLIC SITTING.—TUESDAY, 11TH AUGUST, 1914.

Present :—The Right Hon. Lord SHAW (Chairman); the Right Hon. Mr. Justice MOLONY; and the Right Hon. W. D. ANDREWS.

Hon. ALEXANDER SHAW, *Secretary*.

The Counsel engaged are :—

For the Corporation—SERJEANT SULLIVAN and Mr. P. O'C. WHITE (instructed by Mr. ROSE, Law Agent).

For the Military Authorities—Mr. HANNA, K.C.; Mr. ATKINSON, K.C. (instructed by Messrs. BRADLEY and SOSS).

For Mr. HARREL, Assistant Commissioner of Police—Mr. DENIS HENRY, K.C., and Mr. WYLER, K.C. (instructed by Messrs. CASEY, CLAY & COLLINS).

For the Executive Committee of the Irish National Volunteers—Mr. LYSCH, K.C. and Mr. C. S. POWER (instructed by Mr. MICHAEL DAWSON).

For the next-of-kin of the three persons killed in Bachelor's Walk (Mrs. Mary Duffy, aged 50; Patrick Quinn, aged 46; and James Brennan, aged 18)—Mr. E. J. McELLSOTT, K.C., and Mr. J. T. DOXOVAN (instructed by Mr. JOHN McDOWELL).

For persons wounded in Bachelor's Walk—Mr. JOSEPH O'CONNOR (instructed by Messrs. W. SMITH and SON).

For the Crown—The SOLICITOR-GENERAL and Mr. REARDEN (instructed by Srs. MALACHI KELLY).

When the Commission sat this morning.

Mr. T. J. GREENE (Messrs. Rogers Greene and Son), addressing the Court, said:—May it please your Lordships, I have to ask your Lordships' permission to intervene on behalf of the rank and file of the Dublin Metropolitan Police. Your Lordships were good enough to ask that the dismissed constables would be asked to give their reasons for not obeying orders on the 26th July. My clients are anxious that it would be explained to you why it would not be judicious to appear at the Inquiry or be represented.

The CHAIRMAN.—We appreciate your coming and appreciate the rank and file of the Dublin Metropolitan Police being represented here, but it would be highly inexpedient that this Commission should be put into any attitude as if appearing to countenance in any way indiscipline on the part of the forces of the country. We are against anything of that kind, or against in any way our attitude being construed as sanctioning indiscipline in any form. What we have done is done in view of the very particular and special circumstances and in view of certain opinions which we might have to express as to the legality of the action taken upon that day. We do not think, although we appreciate your appearance, that it would be advisable that the Inquiry should be side-tracked, to use an American expression, by the line you indicate. We do not in any way approach you for appearing; it was a courtesy to the Commission to appear; but it is not in your interests or the interests of the force that you should so appear.

Mr. GREENE.—It was not in anyway to justify the attitude of the men on that day that I appear, but merely to say why the rank and file were not represented at the Inquiry.

Mr. WYLER, K.C., said.—When the Commission adjourned yesterday evening you were good enough to intimate that you would bear me as representing Mr. Harrel with regard to his attitude and action on

that day. I am glad to avail myself of that opportunity. There are certain affairs and facts which would explain the action of Mr. Harrel offered in evidence. Before you can understand how Mr. Harrel acted or what prompted him to act as he did you must consider first of all the events which we had evidence of as taking place on that Sunday at Howth; secondly, what were his resources or the powers he could call upon to regulate or control the events which were taking place at Howth, and which might take place in Dublin, and, thirdly, what measures he did take to cope with the events that did take place and what was likely to happen in Dublin on this occasion. My lords, at 1.45 p.m. on that eventful Sunday Mr. Harrel was in his own house at Monkstown. He received word that a number of Volunteers—between 700 and 800—had done an illegal act. They had held up the pier at Howth, they were landing arms contrary to the Proclamation, and they were preventing the guardians of the law from exercising their rights and duties—namely, the Royal Irish Constabulary and the Customs Officers from approaching the pier. We have had the evidence of Mr. Bonas, who proved that he was prevented from exercising the ordinary rights of citizenship. He was in a boat in the harbour. He was restrained from using the pier. He could not leave his boat and could not go ashore.

The CHAIRMAN.—The pier incidents were at 1.45 p.m. What have you to say to them.

Mr. WYLER, K.C.—The pier incidents constituted an unlawful assembly. It was an act done by three or more persons, contrary to the law; and it was carried into effect in a manner which, I think, constituted and was calculated to lead to a riot, because by force they prevented the Royal Irish Constabulary—especially the Head Constable of the Royal Irish Constabulary—from moving on to the pier; they controlled the minds and movements of private citizens on the pier on that occasion. That was a serious thing in itself, and under the statute constituting

them, the Dublin Metropolitan Police have jurisdiction extending to the adjoining counties—beyond the regular Dublin Metropolitan area, and including the Counties of Dublin, Kildare, Wicklow and Meath. Therefore, Mr. Harrel had jurisdiction as a Justice of the Peace and as a police officer over that area of Howth. He was rung up on this Sunday by the County Inspector, evidently with the view of getting help in connection with this gun-running that did take place at Howth. That was the position of affairs at 1.45. He was then in his own house at Monkstown. What resources had he under his control? What means had he of coping with this violation of the proclamation when called upon for assistance? He could assemble a body of policemen armed with nothing more feasible than a baton—for the Dublin Metropolitan Policemen were not armed—that was the only force that he could supply against any action that the Volunteers would take, or in connection with what would or should take place on the occasion. When he was rung up first he was told that the Volunteers consisted of 500 or 600 or 700 or 800 men, but the next news that came was that 1,400 or 1,600 strong were marching towards Dublin, having at that time landed the rifles. There was first the illegal act of landing the rifles and ammunition, and the action of the men who performed that illegal act resisted the acts of the Royal Irish Constabulary. They were then marching on to Dublin, and Mr. Harrel was only a police officer with fifty or sixty unarmed Dublin Metropolitan Police. How should he act? That was the question. He believed that the landing of the arms and the bringing of them to Dublin were illegal acts. Under that impression, he believed that the arms could be seized. He may be wrong; but apart from that he was face to face with the fact—in fact, he was faced with a body of men who constituted an illegal assembly. They were armed; they were marching towards Dublin, the district over which he has control, and in which he is bound to protect the citizens.

The CHAIRMAN—I am sorry to interpose; but you must make distinctions. We must consider the situation of these Volunteers at the time. Presumably the police would have met them by that time. They are walking or marching towards Dublin. Is it your proposition that these men constituted, *ipso jure*, an unlawful assembly?

Mr. WYKE, K.C.—I think so, my lord. They had assembled together for the purpose of doing an unlawful act, and they remained in that assembly, and they proceeded to finish the unlawful act by carrying out the rest of their plans—that is, what they intended to do was to violate the arms that they had landed in breach of the proclamation.

The CHAIRMAN—You say we should assume that everything was in favour of you up to this date. Assuming, for the purpose of argument, that the importation of the arms into Ireland was wrong, that the distribution of arms or rifles to each man was wrong—the proposition with which you are confronted is—did these men, when marching to Dublin, constitute an unlawful assembly?

Mr. WYKE, K.C.—With great respect, yes, my lord. They carried arms, they met together, they took arms off the boat, and their general conduct showed that they were an unlawful assembly. They had assembled for a common purpose. They proceeded to carry out to effect their purpose—that is, to bring the arms and ammunition to Dublin for the same purpose.

The CHAIRMAN—In order to test the proposition just assume that these arms or rifles were brought to in opposition to the Customs Rules—such as, say, a body of men each with a package of tobacco in violation of the Customs Acts, or each with a five-pound packet of tea?

Mr. WYKE, K.C.—Say a keg of whiskey as another example.

The CHAIRMAN—They were marching towards Dublin—they were coming on together, would you say, *ipso jure*, that that was an unlawful assembly?

Mr. WYKE, K.C.—I would, and I would direct your attention to the definition of an unlawful assembly. It is the assembling of three or four or more persons to carry out an act contrary to law and acting with a common purpose, and acting contrary to the law they intended to set the part of smuggling of tobacco, brandy or tea, but as arms in this case.

The CHAIRMAN—The assumption the Court is putting to you is—that all these were carrying tobacco and spirits in place of rifles. If you get such an assembly of people what title are you going to give them—three or four or more of them coming back to Dublin. That is the difficult question in law; and, Mr. Wyke, would you say whether this was an unlawful assembly in that sense of the term.

Mr. WYKE, K.C.—What I submit as making an unlawful assembly is this—to take illustration of the tea—

The CHAIRMAN—I will agree with you for the purpose of argument that they were an unlawful assembly in the possession of tea, or rifles, or spirits, or whatever it is in contravention of the Customs Acts. But how can you say that though these acts are illegal because they are in possession of certain illegal goods—how can you say that they constitute *ipso jure* an unlawful assembly? That is the difficulty we are in.

Mr. WYKE, K.C.—I will put it in two ways. It is an unlawful assembly because of the common purpose which was still existent, and the purpose for which they met was the carrying of arms and lugging them to a common store; they were putting them into a house where they would be available for the Volunteers, and so the common purpose ran through it all. They were operating in and with a common purpose.

The CHAIRMAN—Was not the common purpose the bringing in of the rifles, and that each man should keep his own gun?

Mr. WYKE, K.C.—I don't think that in the point so much as the other as to the question of the unlawful assembly. I say there were a greater number against these men, and evidently there were, because the evidence in the case showed that. They were just in the same position as smugglers running tea or other taxable goods prevented by the Customs Act.

The CHAIRMAN—How does the evidence stand about that?

Mr. WYKE, K.C.—There were two vehicles behind the troops supposed to be carrying ammunition.

Mr. JUSTICE MOLONY—The evidence is—what was supposed to be ammunition?

Mr. WYKE, K.C.—Take it as ammunition. You have two carts conveying ammunition behind the cars. So here you have smugglers conveying arms and ammunition into the City of Dublin, just as smugglers would be carrying tea on horses and carts, that tea being landed from the ship to the storehouse to be retailed. In that they were carrying out a common purpose.

The CHAIRMAN—Does that constitute an unlawful assembly?

Mr. WYKE, K.C.—It does. Until you get it to a common purpose, and acting contrary to the law, you can't show conspiracy or unlawful assembly; but there could also be an unlawful assembly if the people committed even for the carrying out of a lawful purpose, having united in such a manner as to cause a reasonable apprehension of a breach of the peace. You have that here in the first place, because they met to do an unlawful act; and you have an unlawful assembly because they met, if you like, to do a lawful act, but giving reasonable cause even to brave and stout hearted men to fear that a breach of the peace would occur. That is very clear, as outlined in "Stevens' Digest of the Criminal Law," in article 25, on the question of unlawful assembly: "Unlawful assembly—An unlawful assembly is an assembly of three or more persons (a) with intent to commit a crime by open force, or (b) with intent to carry out any common purpose, lawful or unlawful, in such manner as to give rise to reasonable grounds in the neighbourhood of such assembly reasonable grounds to apprehend a breach of the peace in consequence of it, for any unlawful assembly is a misdemeanour."

The CHAIRMAN—What article is that?

Mr. WYKE, K.C.—Article 73. Nevertheless, my lord—

The CHAIRMAN—Read these two sections again. What application has it to this?

Mr. WYKE, K.C.—With intent they committed a crime by open force.

The CHAIRMAN—Can you say that that applies to this?

Mr. WYKE, K.C.—Yes.

The CHAIRMAN—How or why?

Mr. WYKE, K.C.—Because there was clearly an unlawful act. Arms were proclaimed, and were not to

be run. And by preventing the Constabulary from exercising their duties to appear on the pier they were obstructing the law. Arms were proclaimed, and could not be run, and these people were engaged for a common purpose. They carried these arms, which were landed in spite of the proclamation; they carried them on their shoulders; there was no secrecy; there was no running at night; everything was done in open conspiracy. There was no secrecy, for every man carried his rifle on his shoulder; and other men, as was testified, had clubs in their hands tied to their wrists. But these men put their rifles on their shoulders, as much as to say here we are and stop us if you dare.

Mr. Justice MONAGHAN.—There is a statement in Mr. Harrel's evidence that there were three motor cars, and Mr. Harrel stated, "I believe they contained arms and ammunition, because I observed that there were beside them men who looked like Volunteers."

Mr. Sergeant SWIFT.—They left before the moon body.

Mr. WATKINS, K.C.—Our position is there was an intention to run these arms by force, and from the way they walked back—marching with rifles, and clubs strapped to their wrists—there was the clearest indication that they meant to carry their intention through, no matter what force they met or had been attempted to put before them. If any additional evidence were necessary that they intended to meet force with force—that they intended to meet the police with force, it was said that they had a right to do so. And what did they do? Their action then was the most powerful evidence that an unlawful assembly existed at the time. They said they would bring the rifles in, and they would resist their seizure. Here have we not the clearest intention of committing an act "with intent to carry out a common purpose, lawful or unlawful, in such a manner as to give firm and outrageous persons in the neighbourhood of such assembly reasonable grounds to apprehend a breach of the peace in consequence of it."

To commence with, I submit that it is an unusual thing that 1,200 men, armed with rifles, followed by crowds and cries to march into Dublin in the broad daylight. That proceeding was eminently likely to give a man who was not a politician and not in sympathy with one side or the other, if he comes round the corner—assuming that 1,200 rifles for all he knew had been landed—especially if he was informed that the landing of the rifles had taken place—to give him reason for an apprehension of the breach of the peace. It would be likely to operate on the mind of Mr. Harrel, as a peace officer, and it was likely that which did operate upon him. Mr. Harrel is a peace officer. He has been Assistant Commissioner of the Dublin Metropolitan Police for twelve years. He has gone through some trying times. He knew the Dublin crowd, and he had reasonable cause to believe that these men—the Volunteers—followed by a cheering crowd, that circumstances would occur which might lead to reasonable grounds or there might be given reasonable cause to apprehend that a breach of the peace would take place. The point was made that there was no hostile crowd to meet the Volunteers, but I submit that under certain circumstances a cheering crowd and a sympathetic crowd could inflame any body of men to commit acts which are as serious a menace to a breach of the peace as any hostile body could commit. If these 1,200 men were followed into Dublin by a crowd which could create in the streets of Dublin a crowd—let them be either in sympathy or not with the population, we must consider the piece of business in which these men were engaged—let them pass the house of a man who was not in sympathy with them, would not a breach of the peace occur? Would not windows be broken, as happened before? And would not riots occur as had happened before? Riots, as we know, are not all the time caused by hostile crowds. In the case of a hostile crowd it is not so difficult to create a crowd. An ordinary, orderly marching body of men followed by an excited body of people could create a disturbance followed by a riot or a serious disturbance. That would be the case of an undisciplined mob following that crowd attempting to wreak vengeance against anyone against whom they had a fancied grievance. In this instance Mr. Harrel was perfectly justified when he heard that 1,200 men were marching with rifles from

Howth into Dublin in breach of the Royal Proclamation and against the King's direct orders, to take into consideration that it was his duty, and immediate duty, to stop those men before coming to the city boundary of Dublin, lest they might be inflamed, or inflame the crowd that would follow them to commit a breach of the peace, and if an officer of the peace did not take steps to prevent a state of things from which the citizens would suffer, he would have been guilty of a gross dereliction of duty. That is if he did not take immediate steps to check those men coming into Dublin, he would have been guilty of a gross neglect of duty. What could he do? He could not stop them peaceably by his D. M. Police Force. He would have been endangering their lives, not being armed men—though, no doubt, courageous and brave men, who have gone through trying and dangerous times, who have met and faced bullets and got successfully through them, but if Mr. Harrel acted in any other way except as he did he would be guilty of a gross dereliction of duty if he asked those men to go out—men who were not armed—except he went with them to assume the responsibility of danger. They were faced with the crowds, and when so faced he rang up the R.I.C., and requisitioned Sgt. Dumas to do so. He could not get any body of the Constabulary men armed with rifles. He rang up the Under-Secretary, who asked if the body of men who were being taken to the scene were armed. He said no; and Mr. Harrel, as I say, with twelve years' experience, and a great number of other years in the Royal Irish Constabulary Force, got into communication with General Cuthbert, asking him to bring out the troops to support his men. Under the law, the most you could say against him was that Mr. Harrel committed an error of judgment. In his position as a police official and a Justice of the Peace, he thought he was responsible for the safety and well-being of Dublin. If that crowd had come into Dublin and riots took place, windows were broken, and other property was damaged, we know what would be said—the question would be asked as to what the people in charge of the police were doing. For the damage done the person against whom the citizens would rage would be the people in charge of the Police Force. They would rail against these men, and they would ask why had not they called out the armed force—a sufficient armed force—to protect life and property, as they are perfectly entitled to do. If Mr. Harrel did not requisition the armed force, the next question the citizens would be asking would be—why didn't you back your forces with armed men; why did not you call out the military to protect their property, if the property of the citizens were wrecked or injured. Mr. Harrel knew Dublin. He knew its people. He had gone through its previous strikes; in that connection he knew the temper of a Dublin crowd; he knew his duty; and with his experience he knew in its entirety a Dublin crowd. He knew its passions and he knew its humours, and he knew what they might do, or what they might have done in a case of riot. There could be no doubt that they might in the case of a riot, do malicious damage.

The CHAIRMAN.—These men were coming into Dublin.

Mr. WATKINS, K.C.—Certainly they were, and Mr. Harrel's intention was to stop that march.

The CHAIRMAN.—The law is if there is an unlawful assembly it is the duty of the officer to disperse it? Mr. WATKINS, K.C.—Certainly. Mr. Harrel's position was that he was the guardian of the peace of Dublin, and he meant to preserve it. For that he conceived to himself the idea of stopping these people before they could reach the streets of Dublin, where the houses were thick and where they could do damage; he would stop them, so as to prevent a riot or a disturbance on the streets. For many years Mr. Harrel had known the city of Dublin; he knew its people; he knew their tempers; and having passed through the strike, Mr. Harrel knew Dublin and its crowd well; he knew the danger to the peace, or what would create a danger to the peace of the city, and he acted accordingly.

The CHAIRMAN.—You say the duty and the intention of Mr. Harrel was to prevent these entering Dublin.

Mr. WATKINS, K.C.—His duty was to prevent any unlawful body of men from entering the city of Dublin.

Mr. Harrel does not blink the fact that he thought that arms should be used for carrying out his purposes.

The CHAIRMAN.—I think your case would be that Mr. Harrel thought that his duty would be under the terms of the Act of Parliament plus Proclamation to proceed to seize the goods.

Mr. Wylie, s.c.—Yes; but it is utterly impossible when a man is confronted with a crisis to have one single motive, and what operated in Mr. Harrel's mind was his knowledge of Dublin, and he felt he was acting in accordance with the proclamation and Act of Parliament.

The CHAIRMAN.—You make certain propositions with regard to the carrying of these arms, but what we want is as to the carrying of these arms into Dublin, after they had been loaded. It was the duty of the police and Customs officers to prevent them, but when they were loaded, what was the position?

Mr. Wylie.—These men were coming into Dublin, and I have put it in the way already I have presented to you—the three ways in which I have intended to present my case to you. There are three ways in which I intend to present the case.

The CHAIRMAN.—You mean there are cumulative considerations?

Mr. Wylie.—Yes, that is the way I should have put it. The proclamation referred to the landing of arms and ammunition.

The CHAIRMAN.—Your view of the proclamation seems to be that you could seize arms?

Mr. Wylie.—Yes; Mr. Harrel conceived it to be his duty under the proclamation to seize the arms; and that his duty was to prevent the possibility of a riot in Dublin and to disperse an unlawful assembly. That showed the spirit in which he took his duty. I want to deal with the evidence in reference to the Killdare Street Club. There was only one point where there was any discrepancy between Mr. Harrel and the other witnesses. Mr. Harrel says that when he was in Northtown he rang up General Cathbert, and he said—"I want the military, and I will call for you at the Killdare Street Club on my way to the Castle." He afterwards rang up Sir James Dougherty. He met General Cathbert at the Club, and went with him to the Castle. He remained for a short time in the Castle, and left in a motor car with Superintendent Dunne, and General Cathbert left in another motor car. That is Mr. Harrel's version. Sir James Dougherty's version is that it was from Superintendent Lowe that he heard that Mr. Harrel was at the Killdare Street Club. Superintendent Lowe's version is that he did not tell Sir James anything about Mr. Harrel's movements at the Club. Mr. Harrel, when he was talking to Sir James on the telephone, mentioned to him that he had been in communication with General Cathbert, who was at the Killdare Street Club. When he got into the Castle he gave a message to Superintendent Lowe to give to Sir James. There was no doubt about it that Mr. Harrel only called to the Killdare Street Club on his way to the Castle. Mr. Harrel's story was clear, candid, and unvarnished. He did not attempt to add or take anything from it. He did not shrink his responsibility or try and shift it to other shoulders.

The CHAIRMAN.—It is due to Mr. Harrel to say that he did accept the situation as one in which he could involve the military on his own authority, and did not consider it any part of his duty to communicate with Sir James Dougherty.

Mr. Wylie, s.c.—He did not attempt to shoulder off responsibility on anyone else. If he was guilty of anything it was an error of judgment, and he was not afraid to take responsibility. Mr. Harrel is essentially a brave man. Now as regards Mr. Harrel's reasons for not going to see Sir James Dougherty the first and foremost reason is that he had already despatched his policeman, and he wanted to be at the head of them. There was no time to be lost. It was time for urgent action, and he believed his place was at the front of his men. He had sent his subordinates, 40 or 50 unarmed men, to meet 1,200 armed men. He knew that at that time they could not be supported by the military or any armed force. It was not a time for consultation, it was a time for him to act, and to get in front of the men. He believed it his duty as an officer to be at the head of his men when the collision occurred between them and the Volunteers, and he intervened his person between the two bodies. The Dublin Metropolitan Police had the powers of a constable within the adjoining counties, and Mr. Harrel had the same power.

Mr. Justice MCGEE.—What is the section? Mr. Wylie, s.c.—Section 4, I think, of the 6th and 7th, William the 4th—

"And be it enacted that a sufficient number of fit and able men shall from time to time be the directions of the Chief Secretary or in his absence of the Under Secretary for the time being be appointed a police force for the whole of each district who shall be sworn in by one of the said Justices to act as constables for preserving the peace and preventing offences against the persons and apprehending offenders against the peace and the men so sworn shall not only within the said district but also with the Counties of Dublin, Wicklow, Kildare and Meath and within all liberties therein have all such powers, authorities, privileges and advantages and be liable to all such duties and responsibilities as any constable duly appointed now or hereafter may have within his Constabulary by virtue of the common law of this realm of any statutes made or to be made and shall obey all such lawful commands as they may from time to time receive from any of the said Justices for conducting themselves in the execution of their office."

So that undoubtedly the police had at that time the full powers of constables, and as such could be employed as Herth. The first and chief reason in Mr. Harrel's mind while he was rushing out to Herth and did not consult Sir James Dougherty was because he believed it to be the duty of an officer to be in front of his men, and that duty he carried out. The whole time he was in front of his men at Clontarf. He met the leaders of the Volunteers and interposed his person between them and the police, and showed himself to be an able and efficient officer, apart from the question whether he was justified in calling out the military. In his conduct of the proceedings at Clontarf, his action was that of an able, courageous, and efficient officer.

The CHAIRMAN.—If Mr. Harrel had wished to see Sir James Dougherty he could have easily done so!

Mr. Wylie, s.c.—Yes. If anything Mr. Harrel was too anxious. I am now dealing with the reason that operated on his mind as to why he did not see Sir James. His first reason was his overwhelming desire to get out to his men. He wanted to be with his men, and he rushed to get at the head of them. The second reason was that he didn't think he was giving orders which would not be approved by his superiors. He believed that he was acting for the best, and that no different or contradictory orders would be given than those he had issued. Superintendent Dunne told your Lordships that before Mr. Harrel arrived at the office the Deputy Assistant-Comptroller of the R.I.C. went to the General Adjutant's office, and, in the hearing of Superintendent Dunne, when he learned that the military had been called out by Mr. Harrel, said, "That is all right; that will do for both of us." So there was another gentleman in the Castle who thought it was a case for the military. There was, therefore, nothing extraordinary in the troops having been called out. They were called out twice in the last labour trouble, and Mr. Harrel seems for a moment believed that the intention of the Executive was that the orders of the Executive would be age different from the orders he had given himself. If he had thought that the Executive would have given different instructions he would have gone to Sir James Dougherty, and obviously for this reason, because why should he, to use a vulgarism, put the fat in the fire when he could, by two minutes' walk, shift the responsibility to another man. Why should he assume the responsibility? He had nothing to gain by it. No one has suggested that there was any sinister motive in his action. Why should Mr. Harrel, if he thought Sir James Dougherty was anxious to countermand his orders, run away from him, and avoid seeing him? His first reason for not seeing Sir James was, as I have stated, his desire to get to the front of his men, and his second reason was he believed Sir James Dougherty would agree with the orders he had given. Another reason was this, that Mr. Harrel was a Metropolitan Police Officer for 19 years, and he had been previously an officer in the R.I.C. He had acted on his own responsibility before. He was a trusted official. Everyone in the Castle knew him, and he knew everyone in the Castle, and he imagined that

anything he did would be thought the proper thing to be done, and that his orders were proper; and he thought instead of discussing that he should act. The Volunteers said to Mr. Harrel that in Ulster people carried rifles in public. There was one great difference between what occurred in Ulster and on the Howth Road on this particular Sunday. In Ulster the arms were taken away and secured and brought out after a lapse of time, so that it was impossible to identify them as the arms which had been illegally imported, but here the arms taken from the yacht at Howth and those carried by the Volunteers were identically the same arms. In Mr. Harrel's opinion, that was a difference, and he thought it was his duty as one of the reasons why he should seize the arms. If Mr. Harrel is blame-worthy in any respect, the only blame that can be attached to him is that he was too zealous. You have heard of men being charged with dereliction of duty, but if anything Mr. Harrel was too zealous in carrying out his duty. He thought he had full power to act as he did, and that he was acting for the best. He called out the military, attempted to seize the arms, stopped the Volunteers coming to the City, and he acted during the negotiations at Clontarf as an efficient officer. The only point on which he was blame-worthy on was that he didn't go to Sir James Duggan.

Mr. ANDREWS.—On previous occasions did he call out the military without communicating with the Under Secretary?

Mr. Wylie, K.C.—He did, my lord.

The CHAIRMAN.—That was not established in evidence.

Mr. Wylie, K.C.—I withdraw it if it was not established in evidence. I should not have mentioned it. That is all I have to say as regards Mr. Harrel's position on the question of fact. I don't intend to go into the details of the occurrence at Clontarf, because in this occurrence I think he acted well. The only possible point on which you could find he was blame-worthy is that he didn't go to Sir James Duggan, and that was because he desired to be with his men, and because he believed Sir James would approve of his action. Mr. Harrel, I submit, is not worthy of any sentence.

Mr. HANNA, K.C.—With reference to the military, I don't know whether your lordships would be of opinion that I could give you any assistance as to the position of the military at Clontarf or Roskilde's Walk. I mention it now because if the learned Sergeant is so very perhaps it would be more convenient for him to address you when I have finished.

The CHAIRMAN.—We will take you in any order you prefer.

Mr. HANNA, K.C.—Very well, my lord. I shall be very brief. Your lordships will have appreciated that the position of the military in this inquiry turns upon two incidents—first of all, the Clontarf incident, and secondly, the Roskilde's Walk incident. Your lordships are aware that for the purpose of the preservation of peace and for the purpose of the suppression of unlawful assembly the military forces are in strict law in the same position as any civilians. That has been laid down by Lord Bowen in the report of the Featherstone Commission. I would refer you to the report of that case at page 232 of the Manual of Military Law. I take it, my lord, that Lord Bowen's statement in that case actually sets out the Common Law with reference to the position of the military, and when we read that connected with the Regulation for the guidance of troops in affording aid to the civil power in Ireland we have the complete code under which the military were brought out under these circumstances. No. 9 of the Orders for the Guidance of the Troops in Ireland is as follows:—

"Except in cases of great and sudden emergency (as explained in par. 88) no officer will order out or take out troops for the purpose of aiding in the suppression of riot, the maintenance of the public peace, or the execution of the law, or to assist the civil power in case of an expected riot without the requisition in writing or by telegram (to be confirmed in writing) of a Magistrate, Sheriff, the Chief or Assistant Commissioners of the D.M.F., or officers of the B.I.C. having jurisdiction in the place where the services of the troops are required; where, however, a Magistrate makes a requisition, it is to be sent to the Officer Commanding the troops through the Office of the Police of the District."

Mr. ANDREWS.—Were the soldiers requisitioned in writing?

Mr. HANNA, K.C.—The first requisition was apparently by telephone, and I presume by telephone as this case may be considered as by telegram. I don't think from the documents that Brigadier-General Cuthbert produced for your lordship that the order that was given by telephone was subsequently at any time reduced to writing. Apparently not so far as we know. General Cuthbert gave you his version. He said that when he got into communication with Mr. Harrel that Mr. Harrel told him about the whole incident of the police being ordered and that the men were marching to Dublin, and he said that he wanted the assistance of the military to seize the rifles.

The CHAIRMAN.—The law lays down that the communication from the civil to the military power should be in writing.

Mr. HANNA, K.C.—Yes. We cannot put it further than this. The only evidence of that interview in addition to Mr. Harrel is General Cuthbert, who said he was asked to give the aid of the military.

The CHAIRMAN.—Neither Mr. Harrel nor General Cuthbert appeared to have realised the gravity of the position of requisitioning the troops of His Majesty under the circumstances. The gravity of such an order does not seem to have impressed itself on either the civil or the military men in Dublin on that Sunday.

Mr. HANNA, K.C.—The only objection it could have made in General Cuthbert's conduct would have been to have induced him to have sent out a larger force previously than he did.

The CHAIRMAN.—I think that is a just observation.

Mr. ANDREWS.—General Cuthbert's evidence was that the object Mr. Harrel had in view was to seize the arms.

Mr. HANNA, K.C.—Yes. I will refer your lordship to a statement of Lord Halsbury as to the difficulties of the position of a soldier in dealing with a wholly sudden situation.

The CHAIRMAN.—The message sent was "send troops to seize rifles." The question you are to satisfy us about is would any military man have accepted that as a proper order for the employment of troops.

Mr. HANNA, K.C.—I quite appreciate that. Perhaps before I go any further on that I think I am justified in saying this in reference to Captain Cobden, who was at Clontarf, that he said in answer to your lordship that he did not think that it would be—

The CHAIRMAN.—Captain Cobden was confronted with the situation to disarm men at the cost of life, and he said the end could not possibly justify the means. There were 160 soldiers to assist in seizing the rifles of over 1,000 men. What were the military to do? Were they to exercise any discretion?

Mr. HANNA, K.C.—I submit, my lord, that there was no obligation of law on the military officer to exercise a judgment when he was called upon by the statutory officer calling out the force.

The CHAIRMAN.—In the ordinary case where property is being harmed or serious injury to life or loss of life is taking place then when the civil power asks the assistance of the military, the military not being on the spot is entitled to rely upon the information of the civil power and to proceed to the spot when the occasion is one that demands the use of an armed force. That would, I think, justify your argument up to this point that the military is entitled to rely on the statements of the civil authority, but where, as in this case, the civil authority says that the troops were requisitioned for a specific purpose, namely, to take arms off the persons of His Majesty's subjects, we are anxious as to whether an officer of independent view could exercise any discretion as to how he should act in the circumstances of the case as they presented themselves to him.

Mr. HANNA, K.C.—It may be while there was no legal obligation upon him it would be a matter, as your lordships think, in which his military discretion should be exercised.

Mr. Justice MONAGHAN.—Order 9, which has been quoted by Mr. Hanna, is one of the regulations for the guidance of the military in Ireland. Order 10 is as follows:—

"In cases when a disturbance of the peace takes place in or near a station where troops are quartered the local military authority, subject to paying due attention to the general obligations imposed by the common law as explained

in the Manual of Military Law (ch. XIII., Appendix I.), will exercise his discretion as to the necessity of complying with the requisition of the civil authorities. When troops are requisitioned from a distance the local military authority will arrange for their despatch, but on arrival the Officer Commanding the troops, subject to the general obligations imposed by the common law will exercise his discretion as to the necessity for intervention by the troops."

Mr. HANNA, K.C.—Well, my lord, General Culbert may have been influenced in the exercise of his military discretion. I don't know whether he conceived that there was any obligation on him to enter into a discussion as to whether the military should be sent or not, but in exercising his military discretion he may have thought that there might be a disturbance of the peace in which his force would be necessary.

The CHAIRMAN.—We must take the clear general evidence of the General himself, who had no doubt that the object of sending his aid was to assist in seeing the riots.

Mr. HANNA, K.C.—When his message was conveyed in writing to Captain Cobden the terms of it were that arms were being introduced at Howth and directing the military to proceed to a point on the Howth Road.

The CHAIRMAN.—The military under the intelligent eye of Captain Cobden did not do what was permitted of them in Clontarf—assist in seeing the arms.

Mr. HANNA, K.C.—The message was to assist the police, using force if necessary. I think that would indicate what was the dominant idea in the mind of General Culbert. Of the Irish Orders, Order 19 C, is the one presumably under which General Culbert ordered his men out. It reads as follows:—

"The principal purposes for which the troops may be required by Magistrates, Sheriffs, etc., to aid the Civil Power are—(a) to oppose armed insurrection or rebellion, (b) to suppress and disperse treasonable meetings and assemblies, (c) to preserve the public peace to prevent or suppress riot."

I think it would be unreasonable for General Culbert to say I will not send out soldiers to seize the rifles, and I will wait until trouble happens. Of course that would be too late for the intervention of the soldiers. Men faced with a sudden emergency and a serious crisis have to act at the moment and anticipate as well as they can what may happen, and under this Order 19 C General Culbert sent out the military to assist the police by force, if necessary, for the preservation of the public peace, and if necessary to prevent riot.

Mr. ANNETTS.—He said that he knew the Irish were a fighting people and would not give up their arms.

Mr. HANNA, K.C.—That was his reason for sending reinforcements. Having got there, I am justified in submitting to your lordship that Captain Cobden transgressed none of the regulations. I am now going on to Clontarf with the troops and I am suggesting that Captain Cobden transgressed none of the regulations. The first thing he does is to order his men to load, and fix bayonets.

The CHAIRMAN.—Did Captain Cobden give that order?

Mr. HANNA, K.C.—Yes, with regard to the 100 men he had under him. He tells us that the reason he gave the order was, and I think it was reasonable, because he saw himself being approached by armed Volunteers, whom he did not know had no ammunition available at the time, to the number of about 1,000. No one could suggest that under these circumstances the order he gave to his men was unreasonable. He saw armed men coming towards him. They might have their rifles loaded. They might be prepared to use them or not prepared to use them. In the discussion that followed feeling may be raised and they may use them. I suggest under these circumstances that it was a reasonable thing for him to do to order his men to load, and fix bayonets. No. 5 of the Regulations says:—

"A written report is also to be at once returned to the Major-General i/c of Administration, enclosing the requisition of the Magistrate or other civil authority, a copy of this report to be sent to the Local Commander. This report should show the strength of the military force furnished, and the nature of the service required of the force, and should give accurate de-

tails in regard to any action which has been taken and the circumstances in which such action became necessary."

So the taking out the troops with ammunition in their pouches or bandoliers was clearly a proper thing to do. If it was not done the officer would be guilty of a dereliction of duty. He takes out the troops with ammunition. He comes to Clontarf, and sees himself opposed by an armed force of 1,000 men, and he orders his soldiers to load. He does that, according to his evidence, after a conference with Mr. Harrel. He takes the full responsibility for ordering his men to load. The loading was not done at the suggestion of Mr. Harrel; neither was the fixing of the bayonets. At what moment of time the bayonets were fixed is not, I think, precisely clear, but I take it it was between the time when they were on the Howth Road and the time they crossed over to the Malahide Road, because obviously they had their bayonets fixed when they arrived there. Captain Cobden takes up his position 75 or 80 yards in the rear of the police under the charge of Mr. Harrel. He sees the police getting into a scuffle with the Volunteers, and he is called upon under Order 27 to take action. The Order states:—

"When the Magistrate thinks it necessary, he will request the O.C. troops 'to take action.' This request should be made distinctly, and if possible in writing, although a verbal request will be sufficient."

In this case all the order that was given was a wave of Mr. Harrel's hand for the troops to come up. Your lordship will remember that Captain Cobden said that he saw the scuffle going on for some moments between the police and the Volunteers when Mr. Harrel put up his hand and waved them on. At that time, or during his progress forward, shots were fired and two of his soldiers were injured. I think Captain Cobden and that it was not until afterwards that he was satisfied these shots were not fired by the Volunteers. However his men went forward in Clontarf in the scuffle, as the result of which 18 or 19 rifles were seized. Up to that point, I submit, that the troops were acting without any unreasonable force being shown by them. Captain Cobden says he had no intention of firing—that when Mr. Harrel called him forward for action there was no intention whatever in his mind of firing, because he didn't think the game was worth a candle.

Mr. ANNETTS.—He was called forward to support Mr. Harrel?

Mr. HANNA, K.C.—Yes, my lord.

Mr. ANNETTS.—To give help if necessary?

Mr. HANNA, K.C.—Yes. Apparently there was some conversation there, and the soldiers were brought up. They stayed there for 30 minutes still on civil duty against the sea wall. Mr. Harrel then came forward, and gave the order for them to go home. At 3.39 they are ordered to go home. At that moment of time, whether they had been legally or illegally on the street, up to that time they were ordinary civilians, returning to their place of residence. In the eyes of the law, they were in the same position as a football team coming home having played a match in a place where they had been unpopular. They were subjected to a very considerable amount of injury and a very enormous amount of abuse and jeering, and I put it to your lordship's consideration that probably these soldiers might have been more incensed and angered by the jeers in reference to the Boers, the regiment having fought in the Boer War, than by the stones thrown at them. Your lordship may think that some of the soldiers were exaggerating the size of the stones thrown at them, but there was one large stone produced by Major Haig—the one which incapacitated Corporal Pike. The suggestion was made that the soldiers were not annoyed until they got into Backlen's Walk or Backville Street, but the evidence of Mr. McGraw, the newspaper on the North Strand, was that the soldiers actually charged the decoy and drove a bayonet through it. I put it to your lordship that when a regiment which has been in Dublin for 18 months, which has been through the Boer trouble and maintained its popularity, suddenly makes these attacks, and some of them getting out of hand, I ask your lordship to come to the conclusion that there must be a serious attack made on them, and that the crowd attacking them must be composed of more than boys and girls. Look at the striking evidence of Major Coke, that at the corner of East Street when he was turning into Backville Street he saw two respectable men taking part in the demonstration against the soldiers. The Major upbraid-

them for their action, and said that if men of their class continued with that conduct it would be a serious question as to whether more stringent steps should not be taken. In Backville Street Major Haig took command of the men, and he thought the best thing to do was to march them as quickly as possible without running. The crowd, to use the words of the chauffeur, pursued them down Backhouse's Walk. In Backhouse's Walk some of the soldiers charged the mob at Wren's place, and then when we came to Laffey Street they were attacked by the mob more violently, and subjected to grievous bodily harm. I would direct your lordship's attention to Article 221 in Stephen's Digest of Criminal Law, as follows:—

"The intentional infliction of death or bodily harm is not a crime when it is inflicted by any person to defend himself or any other person from unlawful violence, provided that the person inflicting it observes the following rule as to avoiding its infliction and inflicts no great injury in any case than he is good faith and on reasonable grounds believes to be necessary where he inflicts it—(a) if a person is assaulted in such a manner as to put him in immediate and obvious danger of instant death or grievous bodily harm, he may defend himself on the spot, he may kill or wound the person by whom he is assailed."

Corporal Evans says that a man had a stone or half a brick in his hand and went for him, and that he was locked in the mud by civilians. Take the evidence of the soldiers that Major Haig himself when he held up his hand was struck. I submit, having regard to that and to the evidence as to the 8 rifles having been damaged in the whole march and 4 of them being injured in Backhouse's Walk, that there was a very serious attack made on these soldiers and that the evidence of such persons as Alderman Byrne can only be explained in this way that his powers of observation are not so accurate and the events did not make as great an impression on him as on the men who were subjected to the attack.

Mr. ARBUTHNOT.—Are you directing this as an excuse or palliation of the actual firing, or as applicable to the officer?

Mr. HENSON, M.C.—It is an excuse or palliation of the actual firing, and also to a certain extent in justification of the attitude Major Haig took up. I think Major Haig's conduct had some effect on the soldiers in this way that they would probably infer from that that Major Haig was of opinion that the end of the column was getting in danger of being seriously injured. Your lordship will remember one piece of evidence that was given by Burgess, the soldier that was on the extreme right. He was not one of the 5 or 6 men who were tapped on the shoulder by Major Haig and asked if he were loaded. He said he heard Major Haig give that order to another soldier. I think it is perfectly obvious that more of the soldiers than Major Haig touched knew of the order that he had given. I have submitted to your lordship that the soldiers at this time were in danger, and had been for some time in danger of grievous bodily harm. What does Major Haig do and what does his action indicate. Now let me draw your lordship's attention to Order 30 of the Military Regulations, which says:—

"All orders to the troops are to be given by the Officer, and the troops are not on any account to open fire except by his word of command. He will exercise a humane discretion in deciding both the number of rounds and the object to be aimed at."

There was no Magistrate there, but Major Haig says that he tapped 5 or 6 men on the shoulder, asked them if they were loaded, and to be ready to fire on his order. He was asked his object and he replied that his intention was to single out two of the ring-leaders and let these men fire on each of the ring-leaders. Well, that would seem to me, if there is a threatening crowd, to be the exercise of the "humane discretion," but while he is doing that he has along with him these men who are exasperated, annoyed, and angered, and who were anxious, we may take it, to get at the crowd. You have only men to make soldiers out of, and they are subject to all the limitations of human nature as regards patience, impetuosity, and temperament. I quite concede that it was a regrettable circumstance that Major Haig did not know that the men were loaded. He was

aware that the men were annoyed, but he was not aware that they were loaded. Whether he should have inferred it from the fact that all the men whom he asked said they were loaded is a matter for your lordship's consideration. While that is happening, a shot goes off somewhere to the right of the line, and then some of the soldiers in that excited condition knowing they had been in peril of being injured and knowing that some of their comrades had been seriously injured, say that they had heard the order fire given. Well, the order to fire could only be properly given in these circumstances by Major Haig, the officer in charge, and under the regulations he was the officer to give the order. We may take it that none of the other officers would have given it or did give it, and whether it may be that the word was passed down the line—one of the men said that the order was given down to him—we cannot say. I cannot put forward any justification on the part of the military for promiscuous firing. The only thing I can do is to refer to the facts, which I think palliate the offence that was committed, and I want, in the interest of the ordinary private, to put this to your lordships that these people were possibly affected by the fact that to their military minds there was conveyed the impression that Major Haig thought it necessary, or may have thought it necessary, if the crowd did not go back to take action. In Article 221 of Stephen's Digest it is stated that the fact that the soldiers thought the order was given and that they believed it was apparently a proper order to give, is something to be taken into consideration in their case. Article 225 reads as follows:—

"In all cases in which force is to be used against the person of another both the person who orders such force to be used and the person using that force are responsible and neither of them is justified by the circumstance that he acts in obedience to an order given to him by a civil or military superior but the fact that he did so set out the fact that the order was apparently lawful are in all cases relevant to the question whether he believed on good faith or on reasonable grounds in the existence of a state of fact which would have justified what he did apart from such orders or which might justify his superior officer in giving such order."

Therefore, I wish to pass, in the interest of the men who did fire, the fact that the deploying into firing line would be an indication to the soldiers as to what their superior thought, and that they themselves might be justified in these circumstances in coming to the conclusion that the circumstances were such as to justify them in doing something to protect themselves. Of course, their offence from a military point of view was very grave and very serious. From the civil standpoint some excuse might be made for them before a jury if the men who fired the shots and killed the people can be found, but this matter that I refer to would be no defence to the breach of military discipline of firing without order, and in reference to what the soldiers did I would ask your Lordships to bear in mind that in so far as firing without an order was concerned, that matter will be dealt with by the military authorities, and is being dealt with by them, and that in so far as this offence against our common law is concerned I would ask your Lordships to bear in mind the considerations I have put before you as their justification in asking your Lordship to come to the conclusion that there was no criminal act on their part having regard to the circumstances. These are all the considerations I think it necessary to place before you on behalf of the military. Of course we are not affected by any of the questions between Mr. Harrell and the Executive.

Sergeant Sullivan.—I have been invited, during the course of the argument of Mr. Wyke, to deal with what I may call the technical matters of law raised by him on behalf of Mr. Harrell. I shall only deal with them shortly, because I don't wish this tribunal for one moment to think that the attitude which I, as Counsel for the Corporation, take up here, is influenced in the smallest degree by those technical considerations of whether a particular act was technically within or technically without the revenue law. The question as to whether or not the assembling of the Volunteers that crossed Mr. Harrell's jurisdiction at Donnybrook Bridge, or thereabouts, about a mile further out, because Mr. Wyke was wrong in saying Mr. Harrell's jurisdiction extended to the County.

Mr. Justice Molony.—He said it did, under section 4.

Sergeant Sullivan.—The preamble to the Act of 1877, Chapter 24, of the 1st Victoria, recites that it is desirable to alter the Police District.

Mr. Justice Molony.—Does not the latter part of Section 4 of the Act of '86 still stand by which they are constables outside the Metropolitan District in the adjoining counties?

Sergeant Sullivan.—Perhaps so. That is a matter in which I am not concerned, except that I was not sure that Mr. Wyke was overlooking the amendment of the district. The action taken by Mr. Harrel at the Howth Road was not an act of dispersal of the Volunteers at all. The last thing to be desired is his original conflict with them was that they should be dispersed. On the contrary, his object was that they should remain and be dispersed by him. Their dispersal was an evasion of his plans. Now, had he the right to disperse them? First of all, were they committing an offence in coming down the road with arms in their hands? If would be exactly the same thing if, instead of rifles, they had each in his mouth a contraband cigar, and in his hands was marching down the public road. The matter is ridiculous, but parallel is true—the nature of their assembling must be judged in the one case as in the other. Did the possession of prohibited goods by a number of persons who deemed to hold on to them and keep them and use them render their assembly illegal? The matter that we suffer from every day in the administration of justice is the extreme ambiguity of the words that we speak and that are used in judgments. The meaning of "unlawful assembly" is something fairly concrete in our minds, I hope, but it is ambiguously expressed in the very best definition of the expression. In what sense unlawful? Is it an assembly of people who have broken the law, or does it not mean an assembling of persons who, by their assembling, are breaking the law. I submit the latter is the true view, and, unless the assembling of the Volunteers on the Howth Road was a further transgression of a further rule of law, I submit they could not be called an unlawful assembly. In the act of assembling in possession of prohibited goods, what law were they breaking? What unlawful purpose were they seeking to accomplish which had not already been accomplished? What further unlawful purpose had come on? None. Therefore, they were not treated as an unlawful assembly. They were treated as a number of persons having goods liable to forfeiture.

The CHAIRMAN.—So far as I know this case is unique in the following respect. An unlawful assembly has been described as an assembly whose object in assembling was to commit some trespass or unlawful act, as far instance by assembling to destroy property, to sacrifice life, to set machinery, or property, or goods on fire. So long as it remained an assembly with those objects commanding its purpose it can be designated by the general term "unlawful assembly," but this case is unique in this sense so far as one can discover there was no general object at all except that, that each man wanted to get away his rifle. The general object of assembling on the Pier Head had been accomplished, the distribution of arms had been accomplished, and each man was going with his rifle, I suppose, to his own particular home. Now, do you draw any particular distinction between an assembly which has a general and commanding purpose which it is continuing to carry out and assembling to carry out and an assembly such as this at the Howth Road?

Sergeant Sullivan.—The broad distinction in law I submit is this—that when they set no longer in their assembly actuated in getting together in order that together they might accomplish an unlawful purpose they cease to be an unlawful assembly—when they are assembling not for the purpose of assembling but for the purpose of ultimate dispersal. In this case the object of going to the Howth Road was that these men were living in the city. They were not going to do anything in violation of any law in Dublin. They were going into Dublin in order that they would separate into companies and from companies into individuals, and as individuals go home. It was in fact an act of dispersal. They were going back to Dublin to disperse, but they had no object at all but ultimately to reach their homes. There might be some foundation for Mr. Wyke's argument

if the arms were not distributed and each man had not his own rifle and the arms were being brought to what you might call a centre of distribution to be afterwards distributed and they were acting in concert, not each for his own rifle but for an ultimate distribution of arms.

The CHAIRMAN.—In the main we are agreed, but how does the evidence stand with regard to the case? Sergeant Sullivan.—There were three motor cars at the pier, but they departed before the Volunteers departed.

The CHAIRMAN.—That is what I wanted to know, Sergeant Sullivan.—There was some evidence of ammunition being in some vehicle behind.

Mr. Justice Molony.—That was a statement made to Mr. Harrel by one of the Volunteers.

Sergeant Sullivan.—It was stated by another witness yesterday that the ammunition had gone by another road.

The CHAIRMAN.—There was some evidence I thought to the effect that wagons were following them at Howth Road.

Sergeant Sullivan.—There is only one exit from the whole of the Howth district—only one road or two roads that intercept at Sutton Cross, so that if the cars were going to leave Howth at all they would necessarily come the same road as the Volunteers, as there is only one exit from Howth Harbour for a distance of considerably over a mile.

Mr. Justice Molony.—This appears in the minutes of evidence in the examination of Mr. Harrel, question 187.—

187. Had anything been said at this time about the possession of ammunition on either side?—Yes; they told me that they had ammunition and would use it if necessary. I then pointed to the troops in the rear, and I said that they had ammunition, and it would be used if any such action was taken. Some of them said—"Go for ammunition," and various other remarks of that sort were used, as if preparing for a struggle.

The CHAIRMAN.—That was what was in my mind.

Mr. Sergeant Sullivan.—Yesterday Miss Dowling, who saw the whole of the column pass from Howth Road into Malahide Road, and who was in the Malahide Road when this passage took place, stated she was told by the Volunteers that the ammunition had been sent round by another road. That ammunition as far as the Malahide Road is concerned, entirely disappeared. There is no evidence of a wagon beyond Raheny—there got so far. Mr. Harrel's alternative justification for his action is that the arms were goods liable to seizure under the Customs Act, and that he was a seizing officer. Obviously that must be his case, because we now know that his objective or desire was seizure of the arms, and not the suppression of or the preventing of a riot or the dispersal of an unlawful assembly. Section 202 is absolutely unredressible in the sense in which Mr. Harrel seeks to justify himself namely, that as a police officer in the City of Dublin he lay down the duty of preventing smuggling at his own will and pleasure, but that whenever he chooses to take up these duties he is a seizing officer. The reference to the Peace Officer and Police of various districts assuming the position of seizing officers, the reference to the approval of magistrates in the section, is completely against this argument, because it shows that it is not every police officer that becomes a seizing officer under section 202, but only certain of them, with regard to whom certain steps must be taken by the Commissioner of Customs in the first instance nominating them as seizing officers, and even the Commissioners of Excise are not to do that except with the approval of the controller of the force, from which the individuals are taken by Commissioners to be nominated. The words "as employed" in the section relate back to "being duly employed for the prevention of smuggling," and these latter words relate back to section 4 which enables the Commissioner to appoint persons, and employ them for the prevention of smuggling, and it is not only that they are to be so employed, but so employed with the sanction of the Magistrate having jurisdiction therein. These are the Magistrates of the County, City, or Borough, as the case may be.

The CHAIRMAN.—Which magistrate should have given sanction to this operation?

Sergeant Sullivan.—The magistrats of the City of Dublin, at Malahide Road.

Mr. Justice Macarthur.—At Henth?

Sergeant Sullivan.—That would be the county. But the importance of the phrase is to show that the mere appointment of the person to be a police officer of the City of Dublin does not enable him automatically to become a peace officer under Section 302. And if you turn to Section 304, you will see that in one event, and in one event only, did the State contemplate that the police officer as such might come into possession of prohibited goods. As I say, the attitude of the Corporation representing the citizens of Dublin, does not depend on whether one is perfectly right or wrong in feeling that one. I think very few people concerned appreciate the series of catastrophes that took place on that Sunday, and I am old-fashioned enough to believe that this catalogue of unfortunate events could never have been compiled without a breach of the law, because it was an appalling state of affairs that existed on that Sunday, resulting in the loss of human life, and in the crippling and maiming of boys and girls and citizens pursuing their ordinary avocations, and resulting in a thing which we should all of us regret that any company of His Majesty's troops should be involved through the streets of the city, where hospitality and kindness and good feeling had been always extended to his Majesty's troops until that Sunday, the 29th July. Somebody blundered, and did worse before that state of affairs took place, and the Corporation feels strongly that the strictest criticism should be applied to know why these troops were brought into the streets with loaded arms, because on behalf of the citizens we do blame that everything that happened on that Sunday rose from the initial step whereby without any legal justification whatever these unfortunate men were drawn from their barracks. Everything that happened on that Sunday you will find foretold in Lord Haldane's evidence in the Commission of 1906, as they do flow from the assistance and illegal invocation of military aid by what is termed the Civil Power. Everything that happened, if you read his evidence, may well be anticipated to happen once you call out the troops without legal sanction. There was no right in Dublin, on the 29th July, for these troops to leave the barracks, and no human being in Dublin could anticipate that if the Volunteer movement had been left alone there would have been anything in the nature of a risk. Whatever the organisation may be, whether its members behaved legally or illegally, there is this to be said, at all events that Mr. Harrel agrees that the organisation has never been associated with civil disturbances of any kind that he ever heard of, and its members belong to a respectable class of orderly and well-behaved citizens so long as they are left alone, and accordingly you have an instance in which the troops were not called out to suppress a riot. You have an instance in which the troops were not called out for the purpose of checking a riot.

The Chairman.—Would you say that the soldiers were not called out to preserve life or property?

Sergeant Sullivan.—Yes. No person or property was in danger at the time the soldiers left the barracks, and no one contemplated that if action was not taken any person or property would be in danger. Assuming I am wrong in my first argument as regards the Volunteers in Malahide Road, and that in some sense of the word that because they were carrying prohibited goods that they were therefore in unlawful assembly. What is to be done? In one sense it is the duty of a peace officer to disperse an unlawful assembly, but it cannot be true that in every sense of the word it is the duty of the magistrats to disperse every unlawful assembly. Every duty must be carried out with reasonable regard to circumstances. Three or four people may constitute an unlawful assembly or not, at the circumstance of the technical riot or technical unlawful assembly of three or four persons involves not only danger but certainty of the loss of life or limb amongst persons who are not rioters or in an unlawful assembly. Even if the Volunteers on Malahide Road were an unlawful assembly and it was desirable to disperse them, I do submit that the military forces of the Crown are not to be brought out with loaded rifles and fixed bayonets by the police officer merely because there is an assemblage of persons that may be called unlawful when there is no

danger, even if you permit their assembly, when they are not assembled for any purpose which involved loss of life, limb or property by any of His Majesty's huge subjects. Even when the military are there on the spot, even then the question will arise whether they rightly or wrongly used lethal weapons on the crowd. People don't forget their lives in the 20th century by a mere infraction of law if the infraction of law itself involves no danger to life or limb to their neighbours. There are several laws that may be infringed, and the idea that their infringements should result in the loss of life is absolutely repugnant and cannot be defended in common law. What were the military to do on this occasion? The belief of the peace officer who acts with regard to any assembly does not justify the legality or illegality of his action. That was laid down in the case of *O'Kelly v. Harrell* in the judgment of the Exchequer Division reported in the 10th Law Reports, page 285. I would refer you to the Lord Chief Justice's judgment on page 290. If I am right in my argument that this body of Volunteers was not an unlawful assembly at all, what is to be said of the body of police led by Mr. Harrel who set out to disarm them. The police themselves come within every definition of an illegal assembly on the occasion. The fact that Mr. Harrel thought that the Volunteers might have broken the law was no test of the legality of his action and it has been so decided in the case to which I referred your lordship. If I am right that the Volunteers were not an unlawful assembly, I repeat that Mr. Harrel and his police constituted an unlawful assembly on this occasion because they went out to attack these citizens. Take the most extreme case of the military. I submit that the military were wrongly involved, and would I as a peace officer have been justified if I had intercepted them and called on the surrounding citizens to shoot them if they would not march back to their barracks, because I feared the opinion, which perhaps is a right opinion, that they are an unlawful assembly marching out with arms to attack a perfectly lawful collection of my fellow-citizens; or would I have been justified in calling on a crowd to attack the police in Stone Street Barrack if they did not march out when I requested them. The troops were requested to come out and take arms. There is nothing in the King's Regulations that can justify to the slightest extent the marching forth of the troops on any such mission. It has been said that the troops had nothing to do but to obey the requisition of the Civil Power. I would again refer you to Lord Haldane's evidence in page 288 in the Manual of Military Law. To bring the troops out on requisition that they are to act in the aggressive but not in defence of anything such as life or property is, I submit, a breach of the constitutional rights of the citizen whose lives afterwards were forfeited through a chain of events that flowed from that impetuous civil. If at the end of the day these unfortunate soldiers, with whom I have the greatest sympathy, had been paraded through the streets amidst the jibes and jeers and scoffs of a crowd, the whole thing flowed from the fact that the law was not obeyed. The smallest consideration of what the law was before the gentleman commanding these men blindly acted on a requisition addressed to him that his troops should be used for a purpose that the law does not establish a standing army to carry out would have prevented the unfortunate event that has occurred.

The Chairman.—Your first proposition is that Mr. Harrel in seeking the rifles was not acting within the ambit of his power under the Statute?

Sergeant Sullivan.—Yes, my lord.

The Chairman.—Your second proposition is that the nature of the service for which the military were called out was such as to show that the oppression of riot or the protection of property was not the thing aimed at and that their action was characterised by rashness.

Sergeant Sullivan.—Yes, and the third matter which I do submit to the judgment of this tribunal is that if I am wrong in all this—that the common law is that in the discharge of what is in one sense the duty of a peace officer to disperse an assembly that may be called an unlawful assembly that that duty should not be entered upon by a body entirely out of proportion to the aim sought to be achieved.

The CHAIRMAN.—You say both the Civil and Military Power should have regard to the end to be achieved relative to the means to be employed?

Sergeant Sullivan.—Yes, my lord.

The CHAIRMAN.—It is fair to Captain Cobden to say that that proposition did occur to his mind, and he acted with prudence and sagacity.

Sergeant Sullivan.—He did, my lord. I am very loath, appearing as I do rather in the public interest, to take up any side of the case in this inquiry. I have, therefore, only submitted to the tribunal the matters which appear to be of grave moment in reference to this particular occurrence; and I hope the findings of this Commission will aid us and protect us against repetition of it here in this city. The whole thing is most regrettable. The military have most properly expressed their regret for what has been done. On behalf of the citizens, I add mine. The result of this chain of events, certainly most unwise and uncalculated for, has been that a great number of people have been seriously injured, some wage-earners have been removed from the sphere of ever again benefiting those dependent upon them,

and I do hope that as far as possible if blame is attached to any public authority, that the public authority will do their best to mitigate the evil that has fallen on this city.

The CHAIRMAN.—Now I understand, gentlemen of the Bar, the proceedings are closed, but I desire on behalf of my learned colleagues and myself to express our thanks to General Cuffbert and his Staff for the production of the correspondence which forms a link in the chain of evidence. We also desire to express our thanks to the authorities of the Castle for the production of documents sought for. Further, we desire to thank the Corporation for summoning witnesses and in other ways furthering the work of the Commission. We finally desire to thank you, gentlemen of the Irish Bar, for the moderation, clearness, and industry you have shown throughout the conduct of this inquiry, and for myself and my colleagues I express our thanks to you for the assistance you have given us.

Mr. ADAMS.—I heartily and cordially concur.

Mr. Justice MALONE.—And so do I.

The proceedings then terminated.

APPENDIX I.

THE FOLLOWING ARE THE COMMUNICATIONS HANDED TO THE COMMISSION BY
GENERAL CUTHBERT.

POST OFFICE TELEGRAPHS.

To TROOPERS, LONDON.
26-7-14.

"In accordance with para. 955 K.H. troops Dublin Garrison called upon to aid civil police this afternoon."

From BRIGADIER.

POST OFFICE TELEGRAPHS.

Sent at 8.59 a.m. 27-7-14.

To TROOPERS, LONDON.

"In continuation of my telegram of yesterday rioting took place in connection with the landing of arms by Irish Volunteers. Troops aided police by bayonet charge. Two men King's Own Scottish Borderers wounded by revolver shots from mob. When returning to barracks Scottish Borderers heavily stoned and impeded by dangerous mob. Officers and men injured by stones. Some men exasperated by injuries fired without orders. Thirty-one rounds being fired. Firing at once stopped by Officers. Full report will follow."

From—

BRIGADIER, DUBLIN.

POST OFFICE TELEGRAPHS.

S.R. Handed in at 1 p.m.

O.H.M.S. War Office, London. 54.
Received here at 1.49 p.m.

BRIGADIER, DUBLIN.

"Your telegram of 10.30 a.m. to-day received. Further Report referred to therein should reach here by 2 p.m. to-day. It should especially deal with the following points:—First, at whose instance, and by what authority, did the Troops accompany the Police in the afternoon; second, did the soldiers fire or use bayonets at Clontarf; third, was the firing in Dublin ordered by any Officer. The information is urgently needed. Am repeating contents of this wire to Practitioner, Dublin."

T.S. M.A. ADULTATORY.

In reply please quote
C.S.D.S. No. 4494.

RICKING IN DUBLIN ON 26TH JULY, AND FIRING BY
MILITARY ON THE MOB.

The Secretary, War Office.

In accordance with King's Regulations, para. 955, I forward the following documents in connection with the rioting which took place in Dublin on Sunday, 26th July, and the subsequent firing by the military on the mob:—

Copy of report by G.O.C. Troops, Dublin, to the Under-Secretary, Dublin Castle, with a copy of the enclosures therein mentioned.

Copy of telegram despatched to you this day.

(Signed) CUTHBERT,
Brigadier-General,
Commanding Troops, Dublin.

Dublin, 27th July, 1914.

From THE BRIGADIER-GENERAL COMMANDING
TROOPS, DUBLIN.

To THE UNDER-SECRETARY, DUBLIN CASTLE.
LOWER CASTLE YARD, DUBLIN.
27th July, 1914.

Sir,

In accordance with instructions received from the Private Secretary to His Excellency the Lord Lieutenant, I forward herewith a full report of the occurrence yesterday so far as the Military were concerned, marked "A," "B," "C," and "D."

2. The reason of their being sent out was a personal request made to me by Assistant Commissioner Harrel, Dublin Metropolitan Police, for the assistance of the military to seize arms illegally being brought into Dublin.

3. As the Volunteers carrying arms were reported to be 1,500 strong at least, all armed with rifles and fixed bayonets, and then marching on Dublin, I had to act at once, and despatched the nearest troops available. There was no time to make any other arrangements.

4. The Officer Commanding the King's Own Scottish Borderers informs me that, so far as he can form an opinion, the National Volunteers who brought the arms in from Howth and then dispersed were in no way concerned with the dangerous and savage mob which attacked the detachment of the King's Own Scottish Borderers on their march back to barracks.

5. Practically all officers and men were hit, and 18 men are so seriously hurt as to be either in hospital or unfit for duty this morning. This includes the two men wounded by revolver shots.

6. I am of opinion that the troops acted with great forbearance and self-restraint under circumstances of great provocation.

I have, etc.

(Signed) G. CUTHBERT, Brig.-Gen.,
Commanding Troops, Dublin.

I have the honour to report for information, G.O.C.—

I was in command of a party of 100 men ordered to assist the police in getting possession of rifles reported landed at Howth.

I left barracks at 2.35 p.m., and proceeded by train towards Clontarf. At the junction of the Clontarf Road and Raheny Road, which joins Clontarf Road just west of the Great Northern Railway Main Line, I found a large body of Police and Chief Commissioner Harrel. This was at about 4.5 p.m. Almost immediately I saw a large party of Nationalist Volunteers coming along the Raheny Road. I ordered my men across the road at point A on plan. When the Volunteers saw me they turned right handed on to the Malabride Road.

Proceeded by the police, I moved to point B on plan, leaving one section under Lt. Harvey at point A. On reaching point B we again saw the Volunteers advancing. Mr. Harrel formed his police across the road and charged them, and an altercation ensued. The police then tried to seize some of the rifles, and a scuffle took place. With fixed bayonets I advanced my men in support of the police. Some of the Volunteers attacked my men, and one or two Volunteers received bayonet wounds, and some were knocked down during the scuffle. The police seized some rifles, probably one each. The Volunteers then retired for about 100 yards, and Mr. Harrel held a consultation with their leaders. I estimated the strength of the Volunteers at about 1,500; each man appeared to have a rifle. I cannot say if they

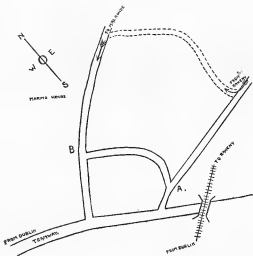
had ammunition or not. As the rifles were distributed among the Volunteers, I did not consider that with the force at my disposal I could get possession of them even by firing. Had I fired I do not think that I could have got possession of sufficient rifles to warrant the bloodshed. About this time I sent a policeman to telephone for more troops—to the Garrison Adjutant. I asked for 500 men. My idea was to wait for the arrival of these men. Soon after the Volunteers began to disperse, and many of them went into the grounds of Marino House—west of the road. I did not see any way of stopping them short of firing, and as already stated I did not consider

that I was justified in so doing. With the exception of the commotion at the start, the Volunteers were not aggressive. During the first scrimmage Corporal Finney received a bullet wound in the leg, fired, I think, from a side street. When the Volunteers had dispersed I retired with the police to the Connaught Road. Here I was met by Major Cole with a reinforcement, and he took over command of the party.

H. COBDEN, Captain.

2nd E. O. Sec. Barracks.

Dublin, 28th July, 1914.



DUBLIN,
28th July, 1914.

To the Adjutant,
2nd E.O.S. Barracks.

I beg to report as follows for the information of the Commanding Officer:—

Captain Cobden and 100 men had left barracks before I arrived on parade. At about 4.35 p.m. I received a telephone message ordering me to send all available men in two A.B.C. motor vehicles to the assistance of Captain Cobden.

At 4.42 p.m. I left Royal Barracks with 40 men in the motor vehicles, handing over the command in barracks to Major Leigh.

At Fairview Corner, I saw Captain Cobden and his party of 100 men. Captain Cobden reported to me that he had met a large party of National Volunteers about 500 yards further towards Howth, and had charged with the bayonet after two of his men had been wounded by a revolver shot. I found a telephone in a chemist's shop, and rang up Brigade Headquarters after failing to get the Garrison Adjutant. I reported the state of affairs so far as I knew them, and the Brigadier-General Commanding came to the telephone. I asked for orders, and said that I could not advance towards the place where Captain Cobden had been without meeting opposition.

Sir N. Chamberlain and Mr. Harrel came into the chemist's shop, and Mr. Harrel spoke on the tele-

phone to General Outhbert. I was ordered to remain where I was at Fairview Corner. While there, a man came up and spoke to me, saying he was Colonel Moore of the National Volunteers. He asked me what had happened, and what the troops had done. I replied that nothing had happened, and that the troops were to remain where they were, and at present would go no further. He said he had authority with the National Force, and asked me what he could do. I said that the only thing that would be useful would be for him to keep his men in hand, and not allow them to start any trouble. He then went away.

Roughly a quarter of an hour after my telephoning to General Outhbert, Sir N. Chamberlain and Mr. Harrel drove up in a motor car, and Mr. Harrel told me to march back to barracks. I asked whether I should not refer to General Outhbert before doing so, and he said the arrangement had been made with the General. He told me that the police had marched back by another route.

Almost directly we marched off, stones were thrown at us, by boys chiefly, but the mob increased very quickly and grew bolder, coming to such close quarters that the hail of stones became very unpleasant. I ordered the leading section to clear the front, and then to charge the mob, and follow on in rear of the column. We repeated this many times, and in this way gained a few moments' relief from the stones each time, but the mob soon grew accustomed to our

tactics, and found that they could move faster than our heavily laden men could.

They closed up to 20 or 30 yards in rear of us, throwing large stones and bottles, yet could always get clear of our charge. When near Amiens Street, they began sending parties on advance up bye-roads, and these parties gave us a cross fire of large stones as we approached each side street. The position grew very bad as we approached Sackville Street, the mob being largely reinforced about this fire. Major Haig arrived and took command. I reported to him that affairs were very bad, many men having been badly hit, and that I should shortly have fired on the mob if he had not arrived.

R. S. COKE, Major.
2nd Bn. The K.O.S. Borderers.

Adjutant.

2nd K.O. Scottish Borderers.

I beg to submit for information of superior authority the following report as to the circumstances as far as they came within my knowledge, while the battalion was out in aid of the Civil Power this afternoon.

I arrived in barracks at 5.45 p.m., having been recalled by telephone. I made myself acquainted with what had happened as far as was known, and decided to proceed to Clontarf in my motor car, to see how the situation stood, and principally to find out whether the men would require food and blankets.

When I arrived near Amiens Street Station, I discovered that a column of our men was returning down Amiens Street, and I accordingly turned to find out if this was the whole party. As soon as I got near the tail of the column my motor car was stoned, and I turned aside to get in front of the column, and joined it in Sackville Street.

I found Major Coke, who informed me that matters were getting very serious, and that he had been fighting a regular rear-guard action against a fusillade of bricks, bottles and stones the whole way from Finner's.

Just as I assumed command, a counter-charge with a section without fixed bayonets was tried but without success, and then I noticed several men joining in this with fixed bayonets without orders, and saw that the men were obviously furious and inclined to get out of hand.

I was of opinion that if we could get clear of Sackville Street and on to the Quays, there might be a chance of getting back to barracks without a more serious disturbance, and I therefore ordered the column to proceed, without a rear-guard, in haste as quickly as possible.

This proceeding appeared only to encourage the crowd, and by the time we had reached the vicinity of the foot bridge the crowd had got so bold and the shower of missiles had got so serious that I saw that more vigorous action was necessary.

I therefore ordered sufficient men to halt and take across the road to check the crowd, and was organizing on the north side of the road a section of 5 men to fire at my orders, after I had warned the crowd, when somebody fired followed by others. The firing was without orders, and the other officers and myself stopped it within about 15 seconds. I saw, however, satisfied that the detachment could not have reached barracks without suffering serious casualties unless a volley or two had been fired, and I had made up my mind to incur the responsibility of firing on the crowd, when the fire began without orders.

After the firing ceased, I reformed the detachment and marched to barracks practically unopposed, and reported the occurrence to the Garrison Adjutant.

I ordered an examination of the men's rifles and pouches with the result that it was found that 31 rounds had been fired. I had a list made of the men who had fired, and the number of rounds fired by each.

A. E. HAIG, Major.
2nd K.O.S. Borderers.

Dublin, 27th July, 1914.

Since writing the above report, I have questioned the officers who were with the sections which fired across the quay prior to the firing. They are all of opinion that my instructions to the men near me as to what I should do if I gave the order for firing, were mistaken by some of the men for an order to fire. Second Lieutenant Hammond who was close

to me states that he thought I did give one man the order to fire, and that it was that man who started the fire.

I certainly did not give an executive word of command, and had no intention of allowing any fire to be opened until I had warned the crowd.

I have also questioned the men concerned, who agree that I said:—"Are you loaded?" Then "Get ready to fire"; but that I gave no order. None of these men started the firing.

A. E. HAIG, Major.
2nd K.O.S. Borderers.

Dublin, 27th July, 1914.

NOMINAL ROLL OF MEN WHO EXPENDED AMMUNITION.

		Rounds.
Private McWhirter	...	1
" McCallum	...	1
" Johnson	...	1
" Corrigan	...	1
" Bowtell	...	1
" Galloway	...	2
" Bungen	...	2
Corporal Laidlaw	...	1
Private Lamb	...	2
" Lennox	...	2
" Burns	...	2
" Lightfoot	...	1
" Deel	...	1
Loco-Corporal Scotland	...	2
Private Hyde	...	1
" Baird	...	4
" Green	...	1
Sergeant Todd	...	1
Private Beaulieu	...	1
" Pector	...	1
" Dinglass	...	1

* States that he only fired two rounds and that he must have dropped two rounds.

Telegram sent by G.O.C. Troops, Dublin, to the Secretary, War Office, at 9.50 a.m., 27th July. Troopers, London.

In continuation of my telegram of yesterday, noting took place in connection with the landing of arms by Irish Volunteers. Troops aided police by bayonet charge. Two men King's Own Scottish Borderers wounded by revolver shots from mob. When returning to barracks Scottish Borderers heavily stoned and impeded by dangerous mob. Officers and men injured by stones. Some men exasperated by injuries fired without orders, thirty-one rounds being fired. Firing at once stopped by officers. Full report will follow.

BRIGADIER, Dublin.

2 p.m., 27th July, 1914.

Admiralty, London.

Reason for troops being sent out was personal request made to me by Assistant Commissioner Harriell, Metropolitan Police, for the assistance of military to cease arms illegally being brought into Dublin.

As Volunteers carrying arms were reported to be one thousand strong at least, all armed with rifles and fixed bayonets, and then marching on Dublin, I had to act at once and despatched nearest troops available. No time to make other arrangements.

Officer Commanding Scottish Borderers informs me that so far as he can form an opinion the National Volunteers who brought arms in from Howth, and then dispersed, were in no way concerned with dangerous and savage mob which attacked detachment Scottish Borderers on way back to barracks.

Practically all officers and men were hit, and eighteen men are so seriously hurt as to be either in hospital or unfit for duty this morning. This includes two men wounded by revolver shots.

I am of opinion that troops acted with great forbearance and self-restraint under circumstances of great provocation.

Charge at Clontarf with bayonets.

No order to fire given.

BRIGADIER.

APPENDIX II.

DEPOSITIONS BEFORE CORONER AT INQUESTS ON DEATHS OF PERSONS KILLED IN
BACHELOR'S WALK, DUBLIN.

1. Examination of JAMES LADDAN, House Surgeon, of Jervis Street Hospital, City of Dublin, taken before me, LOUIS A. BYRNE, Coroner for the County of the City of Dublin, this 28th day of July, 1914, who being duly sworn upon Oath said—The deceased, James Brennan, 7 Lower Buckingham Street, was brought to Jervis Street Hospital about 7.30 p.m., 28th July, 1914. He was suffering from a clean cut punctured wound in front and to inner side of right thigh, about 5 inches above knee, also a superficial wound one foot long below right gluteal region, and an incised wound six inches long on back of right thigh. He was in a state of collapse, and died in hospital about 8.30 p.m. on same evening.

By order of the City Coroner I made a post-mortem examination. Externally I found wounds above described, and the wound in front of thigh communicated with the cavity of 6 inch incised wound on back of thigh. On internal examination I found femoral artery was severed. All the other organs were healthy. In my opinion death was due to shock following haemorrhage from the above injuries. The communicating wounds could be caused by a bullet, the incised wounds by a bayonet. In my opinion bullet wound was caused whilst man was standing up. It would be possible to stand up after receiving incised wounds, but not after receiving bullet wound. He could not run very far after receiving these wounds.

JAMES LADDAN,
House Surgeon,
Jervis Street Hospital

2. Examination of FRANK M. BYRNE, House Surgeon of Jervis Street Hospital, City of Dublin, taken before me, LOUIS A. BYRNE, Coroner for the County of the City of Dublin, this 28th day of July, 1914, who being duly sworn upon Oath, said deceased, Mary Duffy, was brought to Jervis Street Hospital on Sunday evening, July 26th.

On examining her I found life extinct. By order of the City Coroner I made a post-mortem examination. Externally I found a small punctured wound in the abdomen on the left side, slightly to inner side of the anterior superior spine; I also found a large lacerated wound about 2½ ins. square in left scrotal region behind. On external examination I found the external iliac artery had been severed and also that there was a fracture of the sacrum. All other signs were healthy. In my opinion death was due to shock following haemorrhage. The wounds I have described could have been caused by a bullet; I could not form any opinion as to the distance of deceased from rifle.

FRANK M. BYRNE,
House Surgeon,
Jervis Street Hospital

3. Examination of FRANK M. BYRNE, House Surgeon of Jervis Street Hospital, City of Dublin, taken before me, LOUIS A. BYRNE, Coroner for the County of the City of Dublin, this 28th day of July, 1914, who being duly sworn upon Oath, said—

Deceased, Patrick Quinn, 1 Gardiner's Lane, was brought to Jervis Street Hospital about 7 o'clock on Sunday evening, the 28th inst. On examining him I found life extinct. By order of the City Coroner, I made a post-mortem examination. Externally I found a small punctured wound on the back of and slightly above the middle of the right thigh, which wound communicated with another punctured wound of larger size in front of thigh. Internally I found the femoral artery had been severed. The other organs were healthy. The wounds could have been caused by a bullet. In my opinion only one bullet entered the leg.

FRANK M. BYRNE,
House Surgeon,
Jervis Street Hospital

APPENDIX III.

LIST OF PERSONS TREATED IN JERVIS STREET HOSPITAL.

Sebastian Pidgion.—Age, 40 years; 29 Coombe (Pillster); bullet wound front and back of right leg.
Peter MacDowell.—Age, 18 years; 18 Crumpton Buildings (Messengers); bullet wound right leg.
Charles Maher.—Age, 15 years; 48 Marlboro' Street (Paper boy); bullet wound right leg.
Luke Kelly.—Age, 10 years; 16 Marlboro' Street (Schoolboy); bullet wound in back.
Patrick Keogh.—Age, 41 years; 18 Marlboro' Street (Labourer); bullet wound right thigh.
Edward Dowdall.—Age, 22 years; 58 Upper Grand Canal Street (Provision Assistant); bullet wound left leg.
Thomas Harte.—Age, 61 years; 10 Henry Place (Carrier); bullet wound right knee.
Patrick Keenan.—Age, 28 years; 16 Palmerston Place (Chemist's Assistant); bullet wound in head.
John Connolly.—Age, 28 years; 4 North Richmond Street (Blackfitter); bullet wound front and back left leg, and bullet wound under left armpit.
John Ladd.—Age, 17 years; 5 Foley Street (Labourer); bullet wound right leg.
Patrick Wynne.—Age, 28 years; 24 Little Strand Street (Labourer); bullet wound in toe of left foot.
Benjamin May.—Age, 25 years; 5 North Grenville Street (Labourer); bullet wound left hip.
Patrick Murray.—Age, 17 years; 5 Hyacinth Street (Clerk).
Mollie Dillon.—Age, 18 years; 42 Broomfield Avenue, North Strand; bullet wound front and back right leg.
Mary Brown.—Age, 24 years; 35 Adhams Road, Fairview; bullet wounds both legs.
John Nolan.—Age, — (Clerk); 41 Cohen Road, bullet wound in leg.
Chas. O'Brien.—Age, 20; 3 Leinster Market; bullet wound in leg.
Patrick Farrell.—Age, 16 (Gardener); 2 Leinster Place, Ballsbridge; bullet wound in arm.

Thomas Burrell.—Age, 35 years (Labourer); 546 Corporation Buildings; bullet wound on face.
Patrick Farrell.—(Labourer); 7 Stafford Street; contused wound on right hand.
James Bennett (the boy who died).—Age, 20; 7 Lower Buckingham Street; died in hospital.
Patrick Marshall.—Age, 30 years (Trainer), 45 Marlboro' Street; bullet wound in leg.
M. Murphy.—Age, 21, 7 Jervis Street; wound on jaw.
Michael Hayes.—Age, 28 years; 45 New Street; wound on leg.
Patrick Quinn (he was brought in dead).—Age, 30 years; 1 Gardiner's Lane; brought in dead.
Mrs. Sealy.—5 Chatham Row; bayonet wound.
Mary Duffy (who was killed).—20 Lower Liffey Street; brought in dead.
Michael McGrath.—Age, 18 years (Draper's Assistant), s/o. Boyers & Co.; pellets in leg.
Joseph Watson.—2 Upper Buckingham Street; bayonet wound on hand.
Julia De Lapp.—Age, 40 years; 5 Denmark Street.
William O'Doherty.—Age, 28 years; 60 Harrington Road; bullet wound on leg.
Marked Dargan.—Age, 20 years (D.U.T.C.); 6 Cambridge Place; bullet wound in head.
George Keating.—Age, 28 years (Pillster); 7 St. Michael's Terrace; bullet wound in head.
Liam Goughy.—Age, 27 years (Pillster); 87 Island Place; wound on shoulder.
Patrick Hill.—Age, 30 years (Labourer); 26 Lower Strand Street; bullet wound in foot.
Patrick Sweeney.—Age, 20 years (Book-keeper); Cadogan Road, Clontarf; bullet wound on head.
John Connolly.—Age, 21 years (Schoolboy); 50 Lower Abbey Street; bullet wound on leg.
Frank Calley.—Age, 42 years (Labourer); 14 Doreville Street; wounds on hand.

APPENDIX IV.

By the KING.

A PROCLAMATION.

for prohibiting the carriage coastwise of military arms and ammunition

GEORGE R.I.

WHEREAS by section eight of the Customs and Inland Revenue Act, 1876, it is (among other things) provided that arms, ammunition, and any articles which His Majesty shall judge capable of being converted into or made useful in increasing the quantity of military stores may by Proclamation be prohibited to be carried coastwise:

And whereas it is expedient that the goods hereinafter mentioned should be prohibited to be carried coastwise:

Now, therefore, We, by and with the advice of Our Privy Council, in pursuance of the said Act and of all other powers enabling Us in that behalf, do hereby proclaim, direct and order as follows:—

As from and after the date of this Proclamation, and subject as hereinafter provided, arms and

ammunition, and the following goods, being articles which We judge capable of being converted into or made useful in increasing the quantity of military stores, that is to say, the component parts of any arms, empty cartridge cases, and explosives and combustibles for warlike purposes, shall be prohibited to be carried coastwise:

Provided always and it is hereby declared that nothing in this Proclamation shall apply to any arms or the component parts of any arms or any ammunition or any empty cartridge cases, which in the opinion of the Commissioners of Customs and Excise are adapted for use or intended to be used solely for sporting purposes, or to any explosives or combustibles which in the opinion of the said Commissioners are intended to be used solely for mining or any other unwarlike purposes.

Given at Our Court of Saint James, this fourth day of December, in the year of Our Lord one thousand nine hundred and thirteen, and in the fourth year of Our Reign.

GOD SAVE THE KING.

By the KING.

A PROCLAMATION.

for prohibiting the importation of military arms and ammunition into Ireland.

GEORGE R.I.

WHEREAS by section forty-three of the Customs Consolidation Act, 1876, it is provided that the importation of arms, ammunition, gunpowder, or any other goods may be prohibited by Proclamation:

And whereas it is expedient that the importation into Ireland of arms and ammunition and the other goods hereinafter mentioned should be prohibited:

Now, therefore, We, by and with the advice of Our Privy Council, in pursuance of the said Act and of all other powers enabling Us in that behalf, do hereby proclaim, direct and order as follows:—

As from and after the date of this Proclamation, and subject as hereinafter provided, arms and am-

munition, and the following goods, that is to say, the component parts of any arms, empty cartridge cases, and explosives and combustibles for warlike purposes, shall be prohibited to be imported into Ireland:

Provided always, and it is hereby declared, that nothing in this Proclamation shall apply to any arms or the component parts of any arms, or any ammunition, or any empty cartridge cases, which in the opinion of the Commissioners of Customs and Excise are adapted for use, or intended to be used, solely for sporting purposes, or to any explosives or combustibles which in the opinion of the said Commissioners are intended to be used solely for mining or any other unwarlike purposes.

Given at Our Court of Saint James, this Fourth day of December, in the year of our Lord One thousand nine hundred and thirteen, and in the Fourth year of Our Reign.

GOD SAVE THE KING.

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ROYAL COMMISSION

ON THE

LANDING OF ARMS AT HOWTH

JULY 20th 1914

MINUTES OF EVIDENCE,
WITH APPENDICES AND INDEX.

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